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THE STRUGGLE IN THE SENATE.

I.—MISREPRESENTATION OF THE SENATE.

BY SENATOR WILLIAM M. STEWART, OF NEVADA.

CUNNING, stimulated by avarice, is the weapon employed by concentrated capital to enrich the few and impoverish the many. The circulation of money in every section of our vast domain is as essential to the health and growth of civilization as the circulation of the blood in every part of the human body is to health and life. Contraction of the volume of money produces the same effect upon civilized society as strangulation does upon the human system. The first effect of contraction is stagnation of business, and the first effect of strangulation is stagnation of the vital organs. The ultimate effect of contraction is human slavery and barbarism, as shown during the Dark Ages while the eighteen hundred millions of gold and silver coin which existed at the time of Augustus was being reduced to less than one hundred and fifty millions.

During the past four hundred years the supply of gold and silver from the mines has been continuous and more regular than in previous times, and contemporaneously with the new supply of the precious metals a new civilization has developed and progressed. The output of the mines has furnished a metallic basis of circulation and kept alive a spirit of liberty, enterprise, and independence.

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In 1873 when the energies of the human race were in more active operation than ever before, and when prosperity and progress were universal, cunning devised a plan to reverse the current of human affairs, inaugurate a retrograde movement towards the darkness and despair of the Fourteenth Century, when the heart of civilization ceased to beat for want of the vitalizing influence of a circulating medium.

The gold of California and Australia had been increasing the volume of metallic money for more than twenty years. The gradual rise of prices from 1850 to 1873 had inspired a universal desire to create and acquire property. It was more profitable to use money than to hoard it. Its value was not appreciating. The energies of the civilized world were directed to the development of the resources of nature and the creation of wealth. Credit was extended to assist enterprise because legitimate enterprise insured the means of payment. The aggregate debts of the world reached nearly one hundred thousand millions, more than one-half of which were national, municipal, and corporate bonds. All obligations were payable in either gold or silver at the option of the debtor. The supply of money of ultimate redemption was the world's stock of the precious metals with its annual accumulations from the mines. The rejection of either gold or silver as a money metal would reduce the world's supply of metallic money about one-half, and double the purchasing power of the remaining half.

The bondholders determined to destroy one of the precious metals long before it was decided which metal should be rejected. England rejected silver in 1816, because it had been the plentier metal for the preceding three hundred years. But, when the gold fields of California and Australia were discovered, it was proposed to demonetize gold. The yield of gold soon declined and new discoveries of silver were made.

A monetary conference was held in Paris in 1867. The United States joined England and secured a recommendation for the demonetization of silver. Rivers Wilson represented England and Samuel B. Ruggles the United States.

Mr. Ruggles reported to the Secretary of State that:

> **The establishment of a single standard exclusively of gold is, in truth, the cardinal, if not the all-important, feature of the plan proposed by the conference. . . . On this vital point the delegates from the nineteen nations represented in the conference were unanimous. . . .**

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On all these questions the interests of monetary unification were materially advanced by the publication at Paris of the concise but admirable letter from the Hon. John Sherman.*

Mr. Ruggles throughout his elaborate reports attributes his success in securing the recommendation by the conference of the single gold standard to the powerful aid rendered by the Senator from Ohio.

The Senator from Ohio, aided by Samuel Hooper, a banker from Massachusetts, who was chairman of the Committee on Coinage, Weights and Measures of the House of Representatives, and a few others, succeeded without observation and without discussion in eliminating the silver dollar from the list of coins in the United States.

The true history of the clandestine legislation which demonetized silver is contained in a speech delivered by me in the Senate on September 5, 1893, and will be found in the *Congressional Record* of that date. The Senator from Ohio who procured that legislation declared in his place in the Senate on March 6, 1876, that "the United States as usual was influenced by Great Britain in making gold coin the only standard." He said:

Our coinage act came into operation on the 1st of April, 1873, and constituted the gold one-dollar piece the sole unit of value, while it restricted the legal tender of the new silver trade dollar and the half-dollar and subdivisions to an amount not exceeding $5 in one payment. Thus the double standard previously existing was finally abolished, and the United States as usual was influenced by Great Britain in making gold coin the only standard. This suits England, but does not suit us.

What influence has induced the Senator from Ohio to adhere to the single gold standard since that time he has not informed the public. But English influence has not only closed the mints of the United States against silver, but it has also closed the mints of Europe and India. Closing the mints of Europe caused a decline in the price of silver and called attention to the demonetization of that metal by the act of 1873, about two years after the passage of that act.

From that time until now the American people have been anxious to right that wrong and restore silver to the place it occupied as a money metal previous to that unfortunate legislation.

Concentrated capital in money and bonds has baffled all efforts of the people to regain their constitutional rights and restore the money which they had promised to pay. Every admin-

* Senate Ex. Doc. No. 14, Fortieth Congress, Second Session, pp. 99-100.

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istration has coöperated with concentrated capital to thwart the will of the people, enhance the value of money, and reduce the price of property and the wages of labor. The Bland act was passed over a Presidential veto. The Sherman act was a compromise with a hostile Executive. Since the passage of the Sherman act two bills for the free and unlimited coinage of silver have passed the Senate by good majorities. The Sherman act, as admitted by the leader of the gold monometallists in America, the Senator from Ohio, Mr. Sherman, saved the country from financial panic in 1890 and worked no injury during the last administration. It has furnished up to date more than $150,000,000 of legal-tender treasury notes, without which financial disaster would have come three years ago.

The financial disaster did not come from the operation of the act of 1890. The financial distress of the last three months is the result of the effort of the present administration and its London and New York aiders and abettors to repeal the purchasing clause of the Sherman act and reduce the United States to the single gold standard.

An attempt to repeal that clause was made in February last while General Harrison was still President, and was defeated in the Senate by a majority of 19. The leader of the administration forces, the Senator from Indiana, Mr. Voorhees, in the Senate on the 18th of February, 1893, characterized that attempt in the following just and appropriate language:

> I should have voted the other day to take up what is known as the Sherman act and for its repeal, but for the fact that its passage would absolutely demonetize silver and leave it supported by not one word of legislation. I thought the measure was audacious; I thought it an outrage to ask men, like myself and others, to absolutely sweep from under the silver currency every vestige of law. That is not what we meant at Chicago; that is not what the people mean.
>
> I should vote for the repeal of the Sherman act simply because it is vicious in principle, but it must be in connection with something better. You might as well authorize a circulating medium based upon tobacco by the hogshead or cotton by the bale as upon silver in its bullion shape. It must be coined into money, and such is the position of the Democratic party as declared in national convention.

After the inauguration of Mr. Cleveland the gold press demanded an immediate call of an extra session of Congress to repeal the Sherman act. The President and his advisers realized that there was a majority in each House of Congress against such

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repeal. They determined that coercive measures must first be employed; that Members of Congress must be made to feel the power of patronage and money. Frequent interviews appeared in the daily press between the Secretary of the Treasury and the bankers of Wall Street, and between the President of the United States and faithful friends and reporters, looking to a financial squeeze to bring pressure upon Congress. Ex-Senator Bayard, of Delaware, a distinguished monometallist, who shares the unenviable distinction with the Senator from Ohio (Mr. Sherman) of being on the committee which planned and secured the demonetization of silver in 1873, was sent as Ambassador to the monometallic court of St. James's, where active operations were necessary to intensify the panic and stampede Congress.

The Gladstone administration suspended coinage in India. The principal reason assigned for such suspension by the Herschell committee was the anticipation of an early repeal of the Sherman law. The language of the report of that committee plainly indicates that the British cabinet was in possession of official information that the Sherman act would be repealed. On the suspension of silver coinage in India the price of silver declined about twenty cents an ounce.

The banks of Denver, Colo., were doing business with smelters of silver ore, and dependent upon the purchase by the Government under the mandatory Sherman act of the silver bullion produced by the smelters. The bullion was offered to the Secretary of the Treasury to the extent of 6,068,000 ounces in the month of July at lower prices than ever before prevailed in the history of the world; but the Secretary refused to purchase the four and a half million ounces as required by law, and only purchased during the month of July 2,392,618.77 ounces, nearly all of which was bought in the latter part of the month. The banks of Denver, unable to get money on account of the refusal of the Secretary to execute the law, failed. The West had an "object lesson," and the panic was inaugurated in earnest. To intensify the panic, the President issued an inflammatory call for an extra session of Congress to repeal the purchasing clause of the Sherman act which he alleged was the cause of the trouble which had been brought about by the money powers of London and New York coöperating with the Executive of the United States.

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Before Congress assembled, the gold press demanded that there should be no debate; that it was the duty of Congress "to vote first and debate afterwards." The House of Representatives was stampeded, and a recognized majority of two-thirds in favor of silver was converted into a two-thirds majority in favor of the single gold standard. The foreign bondholders and the metropolitan press exerted every means of persuasion, importunity, coercion, and threat to prevent any discussion of the bill in the Senate which repeals every law of the United States recognizing silver as a money metal, ratifies the infamous act of 1873 which everybody has denounced, and reduces the United States to the single gold standard.

The issue presented is regarded by the Senators and Representatives who believe in the principle of bimetallism and who have not surrendered their convictions, as the most important and far-reaching in its consequences of any measure ever presented to the Congress of the United States. They earnestly and sincerely believe that the clamor for its repeal is manufactured by parties interested in increasing the value of their property—money and bonds—by confiscating and absorbing the earnings of the toiling masses. They regard the creation of the panic by the money powers and the calling of an extra session by the President as an attempt to take an unwarranted advantage of the people of the United States.

All parties and all platforms since silver was demonetized have declared in favor of bimetallism. No party dares go before the people with a declaration in favor of the single gold standard. If the language of any of the platforms was equivocal, it was intended that the people should understand, and the people did understand, that honest bimetallism was intended. Mr. Cleveland, in his letter accepting the nomination, used language which the people understood, and which his party managers declared, to be a pledge in favor of restoring bimetallism by the legislation of Congress. It was not until after his election that the President made it known that the principal object of his administration was the establishment of the single gold standard in the United States.

If the question of the repeal of the purchasing clause of the Sherman act without a substitute had been submitted to the people by the Democratic party in the last campaign, and Mr. Cleve-

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land had been elected on such an issue, the silver Senators would not have attempted to resist the repeal. The act of 1873, demonetizing silver, has been universally condemned, not only on account of the ruin it has wrought, but also for the undue advantage that was taken of the American people.

The means used to secure the repeal of the purchasing clause of the Sherman act are equally fraudulent with the methods employed to demonetize silver in 1873, and much more cruel and oppressive. In the legislation of 1873 only the cunning of the fox and the habits of the gopher were employed, but in the proposed legislation of 1893 the cunning of the fox, the roar of the lion, and the ferocity of the tiger have been brought into requisition to deceive the people, intimidate their representatives and devour their substance.

Under these circumstances the silver Senators deemed it their duty to make good their pledges to their constituents, and resist the great wrong which threatens their liberties by the exercise of the right of free speech and free debate guaranteed by the constitution and the rules of the Senate. Every moment of time has been expended in earnest and legitimate debate. The speeches on each side have been about equal in number. The silver Senators have remained at their post at all times during the unusual and cruel hours required by the majority, and they have furnished more than one-half of the number requisite to make a quorum during the whole course of the debate. They believe that the passage of the proposed measure will reduce the United States to a financial colony of Great Britain and deprive the people of the right to mine and coin their own money which was guaranteed by the Constitution.

The success of Great Britain in making the world tributary to her is alarming. When a motion was made in Parliament last February to reconvene the Brussels Conference Mr. Gladstone denounced it as supreme folly for England to consider such a proposition, and he declared that the world outside of the United Kingdom owed the United Kingdom as much as ten thousand million dollars. This statement was received with approbation and approval. He argued that the use of silver as legal tender money to supplement gold would depreciate the value of the money which other countries were bound to pay Great Britain, and would be in the nature of a bounty or gift, which would be

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thankfully received, but which would not increase the respect of the world for the financial ability of British statesmen.

The position of the United States is quite different. We are a debtor nation with unbounded resources to develop and with mines of gold and silver sufficient to supply a basis for all the circulating medium required. The United States is not interested in enhancing the value of money to make foreigners pay her people in dearer money than the contract required. On the contrary, we have to pay Great Britain from $150,000,000 to $200,000,000 annually in interest on the obligations she holds against us, and we pay that interest by the sale of our wheat and cotton at a price below the cost of production. The appreciation of gold which has been about 50 per cent. since silver was demonetized is the principal, if not the only, cause for the decline in the price of farm products.

The legislation proposed means a perpetual gold standard and a more violent scramble for gold. The great mass of gold coin has already left the channels of trade and is hoarded for extortion or war. When silver is rejected as standard money to be kept afloat by redemption in gold, the United States will have over a thousand millions of stuff to be redeemed with less than $100,000,000 of gold available for its redemption. The next step in the programme of the extra session is to issue bonds, buy gold, increase debt and taxation, increase the wealth and power of national banks by paying them interest on their bonds, and furnishing them circulation equal to ninety per cent. of the face value of the bonds upon which the Government pays interest to loan at such rates as avarice may dictate.

The advocates of legislation to put up gold and put down property call gold "honest" money, because it is worth twice as much as it was twenty years ago. Nothing is honest, in the estimation of the gold ring, which will not take the property of one man and give it to another without consideration. Honest money measures labor and property honestly. The silver Senators advocate the parity of money with labor and property according to the rule of honesty and fair dealing.

Which is honest money; silver or gold? An ounce of silver in any part of the world will buy as much of labor and property as it would twenty years ago, and no more. An ounce of gold will buy twice as much of the necessities of life as it would twenty years ago.

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But it is said that gold would go out of the country if silver is remonetized. It is assumed that the loss of gold means disaster. I deny it. The colossal growth of the manufactures and exports of India during the last twenty years proves conclusively that a stable standard of value which at all times measures property and wages honestly is conducive to prosperity. It was impossible for the manufacturers of England with dishonest gold to compete with the less civilized people of India with honest silver.

The manufacturers and producers of England have, by their various publications, shown beyond controversy that England's trade with the East was lost if India remained on the silver basis and England on the gold basis. In the matter of textile fabrics, particularly in the coarser articles, India not only supplied herself during the last two or three years, but she has largely supplanted England in supplying China and Japan. One of two things had to be done. England was either compelled to abandon her cherished scheme to rob other countries by the enhanced value of the bonds she holds and adopt bimetallism, and by that means give the people of England an equal advantage with India in the Asiatic trade, or she must destroy India, put her on a gold standard, and deprive her of prosperity to prevent her supplanting England in the Asiatic trade.

The bimetallists of England, who constitute the intelligence, virtue, and enterprise of the Empire, and who are dominated by the gold ring in the same manner that the people of the United States are, pointed out to the Gladstone administration that the destruction of India's manufactures was not enough, that there might be other silver standard countries which would manufacture and supply the Orient and supplant the English trade. The suggestion was made that possibly, after all, the United States might adhere to silver and establish a common coin with all the silver-using countries, and in that event the trade of England would be destroyed.

To prevent that result and also to enhance the income of the bondholders every man of enterprise in this country who owes a foreign debt is threatened with destruction. The engine of the press which is now in the hands of the gold ring is brought to bear to misrepresent public opinion, defend wrong, and denounce right. The patronage of the administration, which is simply

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colossal, is used for the gold ring against the people. The purchasing clause of the Sherman law itself, which Congress was called together to repeal because it required the purchase of four and a half million ounces of silver bullion per month, is not obeyed. The administration, backed up by patronage and the gold press, is above the law.

The only obstacle between the absolute rule of the bondholding syndicate of London and New York is the silver Senators who dare to do their duty, exercise their constitutional right of debate for the purpose of informing the country through the *Congressional Record*, of the scheme of the gold monopoly to enslave the masses. The commercial press does not and dare not publish both sides of the controversy.

But the people are beginning to understand who are their friends, and who are their enemies. Contraction and hard times are an object-lesson which the violence, the slanders, and the falsehoods of the press cannot obliterate. The silver Senators are satisfied with the record they are making. They believe the United States will not always remain a financial colony of Great Britain. They recognize the power of money to nominate candidates for Presidents, to elect them, to hire the press to deceive the people, to defame and destroy honest men, but in this case they are thankful for the privilege of recording their own acts in the *Congressional Record* as a part of the history of the country. They do not believe that the gold ring will be able to continue to control all the national conventions of the great parties which have any hopes of success. They believe that the people will assert their independence of British financial rule, which now seems so formidable and before which leading statesmen and politicians

> **Crook the pregnant hinges of the knee,**
> **Where thrift may follow fawning.**

But whatever may happen—financial slavery, feudalism, poverty, and misery, or financial independence, prosperity, progress, and happiness—the silver Senators are conscious that the cause which they advocate is just, and that if justice is done the cause will ultimately prevail.

WILLIAM M. STEWART.

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II.—OBSTRUCTION IN THE SENATE.

BY SENATOR HENRY CABOT LODGE, OF MASSACHUSETTS.

PARLIAMENTARY obstruction has, of late years, engaged public attention to a degree quite unusual for a subject so technical in its nature. When the Reed rules, which first brought the subject into prominence in this country, were under discussion, I pointed out in an article in the *Nineteenth Century* that the question was widespread and general and in no sense local or peculiar to the United States. At that time the Democratic orators and the Democratic newspapers seemed to think that the effort to do away with parliamentary obstruction in the House of Representatives was a malignant invention of the Republican party and particularly of Mr. Reed. If they had taken the trouble to inform themselves—a form of mental exercise in which they rarely indulge—they would have discovered that it was nothing of the sort. They would have learned what is now evident to all men that the Republican reform of the rules of the House was but part of a general movement against an abuse which in the process of time had become intolerable. Not only in many States of the Union but in England also the matter of parliamentary obstruction had reached the proportion of a great and a very grave public question. This was neither accidental nor the result of partisanship. It was the outgrowth of conditions which had been slowly developed.

The English-speaking race are the originators of free representative government. Among them this great system has grown to maturity and by them its details have been gradually elaborated. The fundamental principles of popular representation and of free speech, of the control of taxation and of public expenditures, were established long since as the result of many hard fought battles. With this development of representative government there should have gone hand in hand a development of the rules by which the representative bodies transacted their business. This, however, did not occur. As so often happens in history, the substance of things changed, but the forms survived. While the power and the business of representative bodies both in England and the United States expanded enormously, the rules in accordance with which these powers were exercised and this business transacted remained unaltered. Ordinarily forms are

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not of much consequence provided the essence of things is preserved, but in this instance it happened that forms and rules were of vital importance, although it is only very recently that this fact has been fully and properly realized.

The rules and practices of the Congress of the United States and of the House of Commons were adopted under conditions widely different from those which exist to-day. They were formed for representative bodies, in this country at least, much smaller in number, and for the management of the public affairs of small populations, with industrial and commercial interests absolutely insignificant when compared with the vast volume of business to-day, quickened as it now is by the telegraph and the railroad, and beating with a pulsation which is felt in every corner of the globe within twenty-four hours. The result has been that the old rules and forms have not only proved inadequate for the transaction of business, but have furnished the means for indefinite resistance to action. When parliamentary rules were first formulated, the preservation of freedom of debate was rightly considered to be of the last importance, and, so far as these original rules, which were in great degree haphazard, could be said to have any principle, the protection of freedom of debate was their controlling purpose. All danger to freedom of debate in English-speaking countries at least has long since vanished, and the tendency of the old system is to encourage debate, of which there is now too much, and to prevent action, of which there is now too little.

The primary and the only proper and intelligent object of all parliamentary law and rules is to provide for and to facilitate the ordinary action of public business. When any set of parliamentary rules ceases to accomplish this object they have become an abuse—and an abuse of the worst kind. They not only prevent action, but, what is far worse, they destroy responsibility; for, if a minority can prevent action, the majority, which is entitled to rule and is entrusted with power, is at once divested of all responsibility, the great safeguard of free representative institutions.

This question has been fought out in the English House of Commons and the passage of the Home Rule Bill is conclusive evidence that the system of enforcing action is not only necessary in England, but that it is finally and firmly established. The same battle has been fought out also, and the same result attained,

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in our own House of Representatives. The great reform which Mr. Reed carried through and which marks an epoch in parliamentary government in the United States has been in principle finally established. Received at the moment with much passionate oratory and many loud objurgations, such as always accompany the onward march and the ultimate triumph of a great reform, it has at last prevailed. As the dust of that memorable conflict cleared away, it was discovered that Mr. Reed had only been enforcing principles which were accepted in nearly every other parliamentary body in the world and that he had not invented them himself for the mere gratification of a tyrannical spirit. Then it was further discovered that his methods, instead of being illegal and unconstitutional, had received the sanction of every judicial body before which they had been brought, and they were finally upheld by the unanimous decision of the Supreme Court of the United States.

The last stage, the acceptance of the reform by the opposite political party, has just been passed. Mr. Speaker Crisp, with a large democratic majority at his back, has enforced Mr. Reed's principles by stopping dilatory motions and bringing the House to a vote. The only difference has been that Mr. Reed put his principles into practice under accepted methods and in accordance with parliamentary law, while Mr. Crisp very unnecessarily, because no such violence was required, enforced action with entire disregard of the usual and proper forms. He is not, however, to be too severely criticised for this. It was quite natural that the Democratic party in the House should writhe at adopting the principles and carrying into effect the very methods which they had denounced so exuberantly only three years ago. They appeared to think that they could get around by some by-path to the Republican result, and thus escape a march through the valley of humiliation, if they discarded the forms under which their adversaries had performed the same work. Unfortunately such evasions are never possible and the valley of humiliation cannot be avoided by those who have opposed what is righteous, and then, after a short interval, have accepted righteousness for their own purposes. In any event the result is the same. The right of the majority to rule, and to pass after due debate such measures as it sees fit, has been firmly established in the House of Representatives.

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As a practical public question in the United States, parliamentary obstruction has now shifted to the Senate, where it has aroused lately the keenest public interest owing to the condition of business and the intense eagerness of the country for the passage of some measure of relief. The case in the Senate is very different in many particulars from what it was either in the House of Commons or the House of Representatives. The Senate of the United States is still a small body; it has great powers conferred upon it by the Constitution and weighty responsibility. It is properly very conservative in its habits and very slow to change those habits in any direction. There could be no better example of this than in its parliamentary procedure. The rules of the Senate are practically unchanged from what they were at the beginning. They are the same now to all intents and purposes as when they were first adopted more than a hundred years ago. There has never been in the Senate any rule which enabled the majority to close debate or compel a vote. The previous question, which existed in the earliest years, and was abandoned in 1806, was the previous question of England and not that with which every one is familiar to-day in our House of Representatives. It was not in practice a form of closure and it is therefore correct to say that the power of closing debate in the modern sense has never existed in the Senate.

The rules of the Senate are few and simple. Formed for the use of a body of twenty-six Senators, they have continued in force unchanged, until they now govern the deliberations of eighty-eight. That rules so simple should have worked so well during so long a period with an increasing number of Senators and an enormous growth in the volume of business is no slight tribute to the character of the body which has worked under them. But they are now beginning to show the same defects and abuses, arising from the same causes, which have produced such fundamental changes in larger representative bodies.

The rules of the Senate, providing for no form of compulsion, rest necessarily on courtesy. In other words, as there is no power to compel action, it is assumed that the need for compulsion will never arise. For this reason, obstruction in the Senate, when it has occurred, has never taken the form of dilatory motions and continual roll calls, which have been the accepted method of filibustering in the House. The weapon of obstruction in the Senate

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is debate, upon which the Senate rules place no check whatever. Practically speaking, under the rules, or rather the courtesy of the Senate, each Senator can speak as often and at as great length as he chooses. There is not only no previous question to cut him off, but a time cannot even be set for taking a vote, except by unanimous consent. This is all very well in theory, and there is much to be said for the maintenance of a system, in one branch at least of the government, where debate shall be entirely untrammelled. But the essence of a system of courtesy is that it should be the same at all points. The two great rights in our representative bodies are voting and debate. If the courtesy of unlimited debate is granted it must carry with it the reciprocal courtesy of permitting a vote after due discussion. If this is not the case the system is impossible. Of the two rights, moreover, that of voting is the higher and more important. We ought to have both, and debate certainly in ample measure; but, if we are forced to choose between them, the right of action must prevail over the right of discussion. To vote without debating is perilous, but to debate and never vote is imbecile. The difficulty in the Senate to-day is that, while the courtesy which permits unlimited debate is observed, the reciprocal courtesy, which should insure the opportunity to vote, is wholly disregarded.

If the system of reciprocal courtesy could be reëstablished and observed, there need be no change in the Senate rules. As it is, there must be a change, for the delays which now take place are discrediting the Senate and this is something greatly to be deplored. The Senate was perhaps the greatest single achievement of the makers of the constitution. It is one of the strongest bulwarks of our system of government, and anything which lowers it in the eyes of the people is a most serious matter. How the Senate may vote on any given question at any given time is of secondary importance, but when it is seen that it is unable to take any action at all the situation becomes of the gravest character. A body which cannot govern itself will not long hold the respect of the people who have chosen it to govern the country.

No extreme or violent change is needed in order to remedy the existing condition of affairs. A simple rule giving the majority power to fix a time for taking a vote upon any measure which has been before the Senate and under discussion, say for thirty days, would be all-sufficient. Such a change should be made and

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such a rule passed, for the majority ought to have and must have full power and responsibility.

On this point of the power of the majority, however, there is a great deal of popular misconception. It is customary to assail with bitter reproaches, as we have seen during the struggle over silver repeal, the minority who are resisting action. This is putting the blame in the wrong place. The minority may be justly censured for not conforming to a system of courtesy, but when that system has been overthrown, as is the case in the Senate in regard to voting and debate, the fault is no longer theirs. No minority is ever to blame for obstruction. If the rules permit them to obstruct, they are lawfully entitled to use those rules in order to stop a measure which they deem injurious. The blame for obstruction rests with the majority, and if there is obstruction it is because the majority permit it. The majority to which I here refer is the party majority in control of the chamber. They may be divided on a given measure, but they, and they alone, are responsible for the general conduct of business. They, and they alone, can secure action and initiate proceedings to bring the body whose machinery they control to a vote. The long delay on the repeal of the purchasing clause of the silver act of 1890 has been due, without any reference to their internal divisions on the pending question, solely to the Democratic majority as a whole in full control of the chamber and of the machinery of legislation. There never was a time when they could not have brought about a vote with the assistance of the chair, whose occupant was also of their party, if, as a party, they had only chosen to do so.

No further argument is, I think, needed to show the necessity of some rule which, after allowing the most liberal latitude of debate, will yet enable the majority of the Senate to compel a vote. The prospects, however, of any such change are not very promising. It is not probable that any form of closure will be adopted by the Senate for some time to come. It will certainly never be attained unless the popular demand for it is not only urgent but intelligent. Newspapers and people generally have a way of rising up and demanding that filibustering be put down and closure enforced whenever some measure in which they are specially interested at the moment is obstructed. On the other hand, filibustering is often regarded as very patriotic by people who do not want

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a given measure to pass. Many of the newspapers, for example, which have been shouting themselves hoarse over the obstruction to silver repeal in the Senate, loudly applauded precisely the same methods of obstruction when directed against the Federal Elections Bill a few years ago. It is this fact which takes all weight from the demands of the most vociferous shouters for action at the present time. Obstruction must be always good and proper or always bad and improper. It cannot be sometimes good and sometimes bad as a principle of action. If the power to close debate is righteous for one measure it is righteous for all; and until that principle is accepted there is no possibility of reform. For example, the Democratic majority in the Senate refuses to change the rules in order to pass silver repeal. They cannot, then, go on and introduce closure to pass the Federal Elections Bill and the tariff. They must apply closure to all or none.

The only way in which proper rules for the transaction of business in the Senate can be obtained will be through the action of a party committed as a party to the principle that the majority must rule, and that the parliamentary methods of the Senate must conform to that principle. The change must also be made at the beginning of the session, so as to apply to all measures alike which are to come before Congress, and it must be carried and established on its own merits as a general principle of government and not to suit a particular exigency. Whenever this reform is made it will come and it can come only in this way.

HENRY CABOT LODGE.

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HIGHWAYMEN OF THE RAILROAD.

BY WILLIAM A. PINKERTON.

THE recent epidemic of train robbing in different sections of the country has naturally caused considerable discussion as to the best means of checking this peculiar class of crime. Train robbing has been practised pretty steadily in the South and West during the last twenty years, but during the last few months outrages of this character have increased at an alarming rate. The greater portion of these occurred south and west of the Missouri River. Texas, more than any other State, has suffered from this newest and just now most threatening form of crime.

My experience with train robbers began with the earliest operations of these daring criminals. There were no train robberies of any importance before the war. The first our agency had to do with were perpetrated by the Reno brothers, of Seymour, Ind. Four of these brothers became noted as train robbers. They commenced their robberies immediately after the war and became terrors to the community in which they lived. It was impossible to get the necessary evidence to convict them, as, to a certain extent, they controlled, through terrorizing, some of the local judges; and the local authorities, either through sympathy or fear, were afraid to do their duty. The downfall of this gang commenced in 1867 with the arrest of John Reno, who, in company with others, had robbed the county treasurer's safe at Savannah, Mo. He was tracked back to Seymour, and, as there was no chance of his being extradited, a party of masked men went into Seymour and bodily carried him on board a train that was about to start for Missouri, where he was convicted and sentenced to twenty-five years of imprisonment. Later on, Frank, William and Sim Reno committed a number of

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train robberies throughout Indiana, extending their operations as far west as Iowa. In the winter of 1868 they "held up" a train near Marshfield station, Ind., forced their way into the Adams Express car, threw the messenger from the car while the train was under headway and robbed the Express Company of $80,000. Sim and William Reno were arrested at Indianapolis. Frank Reno and Charles Anderson, another of this gang, were also arrested at Windsor, Canada. After bitterly contesting their extradition in all the courts of Canada they were finally brought to Indiana and confined in the jail at New Albany. The people in the vicinity of Seymour became aroused to the fact that war had actively commenced against the Reno brothers, and, as they had been terrorized by these men for years, they were willing to take a hand in exterminating them. One stormy night the jail at New Albany was surrounded by a band of masked men, the sheriff and jailer were overpowered and the three Renos and Anderson taken from their cells and hanged in the corridors of the jail. Their execution was rapidly followed by that of the other members of the gang, their sympathizers and abettors, who lived in the vicinity of Seymour, no less than nine being hanged by the vigilance committee. For years after that, and in fact up to the present time, Seymour, Ind., has been noted as a model, flourishing city, and I do not recall a single case of train robbing in southern Indiana since the execution of the Renos, whereas previous to this a train was usually robbed there about every sixty days.

The next train robbery of any importance was committed by Levi and Hillary Farrington, William Barton and William Taylor. These people came from western Tennessee. Levi Farrington was arrested by us at Farmington, Ill., after making a desperate resistance. We arrested Hillary Farrington and William Barton near Venetta, Ind. Ter. The house where they were in hiding was surrounded by a posse, the door broken down, and the house fired, when they were compelled to come out with their "hands up." William Taylor was arrested by our men at Red Foot Lake, in western Tennesse. While conveying Hillary Farrington and William Barton from the Indian Territory to Union City, Barton made a complete confession as to the other members of the gang and what had been done with the proceeds of the robberies. While travelling from Cairo,

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O., to Columbus, Ky., I was about to enter the barroom of the steamer, when Hillary suddenly seized a large pistol which was sticking from my overcoat pocket and tried to commit a murderous assault on me. During the struggle which ensued for the possession of the pistol, Hillary Farrington fell over the low railing of the boat, nearly dragging me with him, and was drowned. Levi Farrington was the most desperate of the gang. When he was brought to Union City, Tenn., the citizens held a jollification meeting, as he had shot and killed a marshal and his deputy in eastern Missouri and a deputy sheriff in Tennessee. About two o'clock in the morning fifty masked men came to the house where he and the other prisoners were under guard, as the town jail was not strong enough to hold them. They overpowered the guards, dragged out a man who had attempted to rescue Farrington and hanged him. Levi Farrington was shot in his room, his body being fairly riddled with bullets. William Taylor and William Barton pleaded guilty and were sentenced to long terms of imprisonment in Tennessee. The capturing and sentencing of the members of this gang were the means of breaking up train robberies in western Tennessee. There has not been a train robbery in that vicinity since 1871, the date of the execution of these men. The Farringtons were among the most desperate of this class of men that I have ever known and were as successful as any of the desperadoes who have been engaged in "holding up" and robbing trains.

The next train robbers of any importance were the James and Younger brothers of western and southwestern Missouri. The robbery that brought them into prominence occurred at a small station on the Iron Mountain Railway, known as Gad's Hill, where they "held up" the train and got a large amount of money from the Adams Express Company's safe. This was in 1873. A short time previous to this they had robbed the safe of the Hot Springs stage coach, holding up the coach with its twelve passengers and taking all the express money. One of our best men, Joseph Whicher, was detailed to go to the neighborhood of the home of the James boys and obtain work as a farm hand. He was dressed up as a farmer, his hands being hardened and his skin darkened in order to complete the disguise. About dark he approached the home of the Jameses, knocked at the door and applied for work. The door was opened by Mrs.

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Samuels, the mother of the James brothers, who invited him in and gave him a chair. While he was seated the door was suddenly thrown open and he was confronted by Jesse and Frank James and some of their followers, who entered and accused him of being a detective. This he denied. The Jameses, however, said they were at war with all police officials and taking him from the house, gagged and bound him, tied him to a horse and took him across the old Blue Mill Ferry, telling the ferryman that he (Whicher) was a horse thief, whom they were going to deliver up to the authorities. They took him to within about five miles of Independence, Mo., and there murdered him by shooting him in the back. Captain Lull, who went in search of the Younger brothers in St. Clair County, Missouri, shot and killed John Younger, and wounded his brother, Jim Younger, but was himself shot by the latter and died from his wounds. Jim Younger is at present in the Minnesota Penitentiary, but, it is said, he never recovered from the wounds received at Captain Lull's hand. It now became a war of extermination on the part of the express companies and our officers against the remnant of this gang. The three Younger brothers, consisting of Coleman, Jim and Robert, were arrested and convicted for the murder of bank cashier Haywood at North Northfield, Minn., and were sentenced to life imprisonment. Shortly after this Jesse James was shot and killed by Robert Ford, the youngest member of his gang. Robert and George Ford were arrested and pleaded guilty to the killing of Jesse James and were sentenced to be hanged, but were immediately pardoned by Governor Crittenden, and they were paid the reward of $5,000 which had been offered for the arrest of Jesse James, dead or alive. This was according to an arrangement the Ford brothers had made with the Governor. After this, Frank James surrendered and as far as I am advised has been living an honest life since.

The next gang that made its appearance was one headed by Sam Bass, the Collins brothers and others. They "held up" and robbed the Pacific Express on the Union Pacific Railway and got about $60,000 in gold. Two of this gang stopped the train, compelled the crew to alight together, while they went through the safes, taking everything in sight, money, watches and jewelry. Their career, however, was brief. Joel Collins was shot

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and killed, one confederate named Berry was shot and killed near Moscow, Mo., and all the money recovered. Sam Bass succeeded in making his escape, and went to Denton County, Texas, where he had a great many friends, being situated there in very much the same way as the James brothers in Missouri, nobody being willing to give any information concerning him. In Texas he organized another gang of train robbers. These men perpetrated a number of train robberies in Texas, but the United States government took hold of the matter in conjunction with the detectives and arranged a plan for luring the gang to Round Rock, Tex., for the purpose of robbing a bank. The bank was carefully covered by armed men secreted wherever men could be put without attracting attention. When the gang appeared near the bank the fight was opened prematurely by a local officer, who attempted to arrest one of the number for carrying firearms, not knowing of the plans which had been made. The fight thus commenced, the concealed officers ran into the street and opened fire on the gang with their Winchesters, killing most of them and taking the others prisoners. One thing will be noticed about train robbers, they generally go in families, that is there are usually two or three members of one family in the same gang.

The next series of train robberies were perpetrated by Jim and Rube Burrows, of Alabama. These men, in company with several others, "held up" a number of trains, but never succeeded in getting much money. Three of the men were afterwards arrested by our men acting for the Southern Express Company, tried and convicted in Texas. Rube and Jim Burrows were surprised by the local officers in Savannah, Ga.; Jim was arrested, but Rube was not taken so easily. He shot down two men in Savannah, one of whom died afterwards, but he succeeded in getting away. Jim was turned over to our men, who took him to Arkansas for his part in robbing the Southern Express Company. He was sentenced to Arkansas State Prison, where he died. Rube Burrows, in company with two others, "held up" a train at Duck Hill, Miss., on the Illinois Central Railroad. Both he and his companions succeeded in making their escape to the mountains of Alabama. He "held up" another train in Florida to which was attached a Southern Express car. The Southern Express and their detectives fol-

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lowed him persistently and finally caused his arrest by the local officers.

Then came the daring express robbery on the St Louis & San Francisco Railroad, which was perpetrated a few miles outside of St. Louis by Fred. Wittrock, of Leavenworth, Kan. Wittrock had planned the robbery for some time and had taken a number of people into his confidence, but they weakened when they saw the risk they had to take. He then went alone to commit the robbery. Wittrock presented an order to the messenger purporting to be from the route agent of the Adams Express Company for that division, asking the messenger to "break him in." When out a little way on the road, he plugged the bell cord, threw the messenger on the floor, bound and gagged him and then rifled the safe of its contents and succeeded in getting away about $50,000. Under the name of Jim Cummings he subsequently wrote several letters to the St. Louis papers stating that the robber would never be discovered. He was, however, arrested in Chicago by Mr. Robert A. Pinkerton and two of our detectives and the balance of the gang were all captured. Wittrock was extradited to Missouri and sentenced to seven years' imprisonment in the penitentiary. He gave up all the money he had not spent. Everybody connected with this robbery had been located almost immediately after it was committed with the exception of Wittrock, who was caught about forty days after the robbery. When arrested he was heavily armed and would have made a desperate resistance had he not been taken by surprise.

About this time the Dalton brothers made their appearance in Kansas and the Indian Territory. These men, five in number, "held up" numerous trains throughout the country. Their base of operations extended from Missouri to the Pacific Coast. Several of them were taken into custody, but afterwards succeeded in making their escape from jail. The whole gang was shot down with the exception of one brother who is now in Kansas, and who is supposed to be the leader of a new gang operating under the old name "The Daltons."

The next robbery of any note was that of the Adams Express on the St. Louis & San Francisco Railroad, near Pacific, Mo., by Albert Denton Slye, Marion Hedgepeth, Dink Wilson and a man named Tom Francis. They obtained about $15,000 by this rob-

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bery. The case was worked by our agency in conjunction with the St. Louis, San Francisco and Los Angeles police forces. Robert A. Pinkerton, Detective Whittiker, and an officer in Los Angeles arrested Slye at Los Angeles, Cal. On his person was found the watch taken from the express messenger and a ring that was known to have been in the express safe. Slye pleaded guilty and was sentenced to twenty years. Later on I received information that Hedgepeth was receiving mail under an alias at San Francisco, Cal. This information was communicated to the San Francisco police, who arrested Hedgepeth a few days later as he was calling for his mail at the post-office. Shortly after this Jim Francis and a man named Myers, members of this gang, attempted to "hold up" a train near Ft. Scott, Ark., but were overpowered and killed. Hedgepeth fought his case bitterly in the courts, but was finally convicted and sentenced to twenty-five years in the Missouri State Prison. Dink Wilson, the other member of this gang, escaped, went into the mountains near Utah, and was in hiding for a long time. Last July while a detective at Syracuse, N. Y., was trying to arrest two men who were suspected of being connected with a number of burglaries which had occurred in the neighborhood of Syracuse, the men turned and fired at short range, killing him almost instantly. One of the murderers was taken, but the other escaped. The picture of the man arrested was sent throughout the country, and was finally identified as that of Dink Wilson. We subsequently located the second man at Buffalo, where he was arrested by the local officers. These two men are bound to be convicted, and will, in all probability, be electrocuted. This will dispose of this whole gang of train robbers.

The two Sontag brothers and Evans were the next train robbers to spring into prominence. They operated as far East as Racine, Wis. They "held up" a train on the Chicago, Milwaukee & St. Paul R. R., robbing the American Express Company of a large amount of money. After this robbery they decamped to Minneapolis, and there our agency, acting for the American Express Company, were put on their track, but did not have sufficient evidence to arrest them. We, however, followed them to California, where they "held up" a train on the Southern Pacific, robbing the Wells-Fargo Company's safe. One of the Sontag brothers was arrested, but Evans and the other Sontag succeeded

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in escaping after shooting all the officers. They were, however, recently captured and in the encounter Sontag was killed, and Chris Evans is now awaiting trial, badly wounded.

In the recent train robbery on the Mineral Range Railway the robbers succeeded in getting about $70,000, the property of the American Express Company. This robbery was committed by two brothers named Hoagan and three others. Our agency, with the aid of the local officers, speedily captured these men and recovered all the money. The last robbery of the United States Express Company, on the Lake Shore & Michigan Southern Railway, has not yet been worked up, but I feel confident that the officers engaged on this will eventually get the right people. There is one thing certain, that the men engaged in the last express robbery will not be allowed to escape.

One of the reasons for the recent epidemic of train robberies may be found in the general business depression. It is, however, also largely due, in my opinion, to the reading of yellow-covered novels. Country lads get their minds inflamed with this class of literature. Professional thieves or designing men find among this class many who are willing to go into their schemes. The majority of these robbers are recruited from among the grown boys or young men of small country towns. They start in as amateurs under an experienced leader. They become infatuated with the work and never give it up until arrested or killed. I recollect a case where three boys aged respectively seventeen, twenty-one and twenty-six "held up" a train near Emmett, Ark., in 1882 and took from the Pacific Express about $9 000 and from the passengers about $1,500. The conductor of the train ran one of them down and brought him back, the other two escaped, but were eventually arrested in the Indian Territory. They were convicted and sentenced to seventy years each in State's prison. One of these was a mere lad, who had seen a railway train for the first time to "hold it up."

Train robbery is not a profitable pursuit by any means. In nearly every case capture and punishment are almost certain, and death is very frequently the penalty. The chances of escape are not one in a hundred, and the stealings as a rule are very small in spite of the popular belief that train robbers succeed in getting large sums of money without being caught.

Until three years ago dynamite was never used in train rob-

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beries. It has been employed, however, in several of the more recent cases, and its use makes train robberies all the more dangerous. The robbers can now blow open an express car in a few seconds, where formerly it took them several minutes to pick the lock or force the combination. Speaking on this point the General Manager of the St. Louis & San Francisco Railroad said recently :

> I frequently receive suggestions to have steel express cars built and to send guards with trains. But why should we do that when any one may buy a quarter's worth of dynamite, and blow to pieces the strongest metal ever put together? Great treasure is carried by every line, and dynamite will open the best of safes. In many States any one may buy that dangerous explosive, and no questions are asked. Law should first restrict the sale of it, as it does the sale of poison. Men who hold up passenger trains are armed, and, if it is necessary to carry out their designs, they will kill. Aside from the liability of a messenger, an engineer, or a curiously-inclined passenger to be shot, there is a greater danger that another train may come along and wreck the passenger train, standing alone on the track, in some dark cut or lonely piece of woods. Train robberies are increasing each year, and I shall bend my energies to procure legislation making train robbery a capital offence.

That this peculiar form of crime is on the increase no one will deny. That it should be checked promptly and firmly is imperative. Indeed, unless some measures are taken to prevent the increase of train robberies I would not be surprised to see an express train held up within ten miles of New York or Philadelphia at a not very remote date. The question is a very serious one. In fact a meeting of the general managers of the different railroads centering in a Western city was recently held for the purpose of adopting some means of defence against these desperadoes.

The bill recently introduced in the House of Representatives by Congressman Caldwell, of Ohio, which proposes to place the crime of train robbery under the jurisdiction of the United States, has great merit, and should be passed without delay. If it becomes a crime against the United States to "hold up" and rob a train, it is almost certain that this class of work will soon come to an end. The robbers frequently have friends or relatives among the local authorities in the county in which they reside, and more particularly is this so in the South and Southwest. A Western officer once told me, when I asked his assistance to arrest a part of a train-robbing gang, that he would deputize me and aid me secretly, but owing to the relatives and sympathizers of these

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men residing in the county he dare not lend a hand openly; that I did not reside in the county and did not have to live there after this arrest was made, but he did. He deputized me and one of our men whom I had brought with me, and that night he rode with us into the Missouri River "bottoms" and pointed out the home of the men we wanted, helped to surround the house, and was ready to kill either of the men if necessary, providing it was not known that he helped to do so. This man was a good officer and willing to do his duty, but it was impossible for him to conduct a fight against these men alone. Had it been known that he was against them he would have been assassinated. This itself is a good argument why the United States government should take charge of these cases, as the robbers are not likely to be able to control the United States officials as they control the local authorities. The latter will frequently drop pursuit at the State or county lines, claiming that they have no authority to go further. A State or county line would not act as a barrier for a United States officer. I hope, therefore, that Congress may see the necessity of taking some action on the bill now before them.

If it were not for the prompt and energetic action of the express companies in persistently following up train-robbing gangs and never giving up the search until all the gang are landed in prison or killed, train robberies would be more frequent. A man who will rob an express company is a fugitive forever afterwards until arrested or punished, as express companies are relentless in pursuing those who rob them; but it is not right that these companies should be obliged to take these steps and go to the great expense that they frequently are obliged to go to in order to arrest or exterminate these highwaymen. They are as much entitled to protection under the law as is a private individual, but, being corporations, they do not get this protection, but are obliged to spend large amounts of money to protect themselves.

Express companies which carry large sums of money are seriously considering the advisability of placing the money rates so high that the banks will be forced to use the United States mails for the transport of their money, so that the robbers, to get the money, must "hold up" the United States mails as well as the express companies, thus making such a robbery a government offence. The express companies are now carrying on their heavy

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money trains guards armed with the latest improved style of revolvers and Winchesters. These guards are men known for their determination and nerve, and will most likely give a warm reception to the next gang that attempts to rob a train anywhere in the country. The express companies are also placing burglar proof safes in their cars. These safes are strongly constructed, so it will take the robbers hours to get into them, and if they are blown up the money will be destroyed so that it will not do the robbers any good. The safes are locked in New York and cannot be opened by any one until their arrival at Chicago or other point of destination, the messenger not knowing the combination.

WILLIAM A. PINKERTON.

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THE WEALTH OF NEW YORK.

BY THE HON. THOMAS F. GILROY, MAYOR OF NEW YORK.

III.

BEFORE proceeding to those comparisons and explanations of detail which will serve to show what measure of excellence can be claimed for the present administration, it is worth while to consider the figures in certain primitive ways that will indicate to the average citizen what he really enjoys in the privilege of residence in the metropolis. Financiers and politico-economists need no such considerations, but the average man is neither one nor the other, save in a primitive fashion, and primitive explanations are in order.

The corporation, then, owns real estate, which is equivalent to nearly $300 in value for each man, woman and child in the community. As against this, supposing each individual to have his own share, there is a debt secured by mortgage of $50, and the amount which it costs each individual to continue in the enjoyment of the privileges of membership in the corporation is $17 a year. These privileges, it must be remembered, are not confined to the mere act of ownership of the corporate possessions nor their protection and maintenance, but include a practically unlimited supply of the best water in the world; the free use of fifty beautiful parks, of magnificent bridges, and of hundreds of miles of well-paved and well-lighted streets; the almost absolute protection to person and property afforded by what are conceded to be the finest Police and Fire departments in the world; effective protection to the public health; adequate relief in case of accident or sickness by an efficient ambulance corps and hospital service; relief in destitution in case of calamity by a wise and lib-

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eral administration of charity; free access to bountifully supplied markets; all the advantages of a magnificent dock system; free education, and the unquestioned right to demand and obtain justice when individual rights are infringed. More than this, for extraordinary occasions there is the protection of a well-armed, well-equipped, well-disciplined and efficient military force, and the certainty of obtaining, if necessary, pecuniary aid for the community to any possible extent at a lower rate of interest than anyone else can get it.

Moreover, this $17 a year provides for the maintenance and constant improvement of all the property in hand, and, together with the ordinary sources of city revenue, for the gradual extinction of the debt now existing.

It is a simple fact that at no previous time in the world's history and at no place in the world outside of the limits of New York city has it been possible to obtain such results for the same amount of money. The privilege of citizenship in New York is the highest civic possibility. So much appears to be beyond dispute, but it is well, at this point, to return to the consideration of a question left unanswered in an earlier part of this discussion.

Taxation forms a burden which humanity almost always finds irksome. What is paid out of the pocket of the individual for the benefit of the community is almost invariably begrudged by the individual, for the reason that few persons are philosophical enough to see that they pay in direct proportion to the benefits they personally receive from the community. The man who owns a million dollars' worth of property pays a thousand times as much as he who only owns a thousand dollars' worth, and he almost invariably grumbles about it, forgetting that he gets protection and improvement for exactly a thousand times as much. Consequently, as long as civilization continues, there will be complaints about the rate of taxation and the appraisal of property. There are such complaints made in New York to-day, and it is well worth while to see what foundation there is for them.

We have seen that each individual, if the average be computed, will pay $17 in taxes this year. But as taxes are not levied per capita, let us see what the burden on property is. The closest estimate of the actual market value of such property as the Commissioners have been able to find, on which to lay taxes, is $5,000,000,000. Five billions of dollars are, therefore, called upon

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to pay $34,000,000. In other words, if a man calls upon the community to protect him in the possession and enjoyment of $150 worth of accumulated property in addition to his rights and privileges as a citizen, the community calls upon him to pay one dollar into the necessary fund.

This estimate of five billions of dollars as the market value of the real estate of the city which is subject to taxation requires a few words of explanation. It is not claimed that it is a close estimate. To make such is out of the question. But in a general way it is understood that the assessment made by the Tax Board is fixed, as nearly as may be, at 40 per cent. of the real or market value of the property. It may very probably be the case that this is not even closely approximated in a great number of cases, but taking property by and large it is as near as any estimate may be made. This has been the rule for many years, and, at all events, if the same proportion is adopted in examining the records of different years the comparison between years will be a fair one. Thus while he nominally pays $1.85 on each $100 worth of property which he owns, the citizen really pays $1 on every $150 worth. Five billions of dollars as the estimated market value of taxable New York real estate does not seem extravagant when it is recalled that in 1892 alone over $66,000,000 was invested in new buildings and in improvements to old ones within the city limits.

Supposing the comparison to be between 1876 and 1893, we find that in the former year there was a population of a million and a quarter. The municipal debt amounted to $116,619,487. The expenses of the city as provided for by direct taxation amounted to $31,109,521.60. It is a startling comparison. It must be remembered that the real estate holdings of the corporation were not then in excess of $300,000,000 in value, if worth as much as that. Values had not then recovered from the depreciation of the panic of 1873. But, allowing for normal increase, we may assume $300,000,000 as the value. The figures then show :

	1876.	1893.
Population	1,250,000	2,000,000
City property	300,000,000	559,000,000
City debt	116,619,487	93,551,821.87
Annual taxes	31,109,521.60	34,177,429.55
City property per capita	240	279.50
City debt per capita	93.25	49.28
Taxes, per capita, per annum	25	17

If we suppose for illustration that the burden of taxation this

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year was to be equal to that of 1876, we must either figure on how much it would be *per capita*, or else imagine the same rate imposed, or, thirdly, calculate the amount of the levy for this year to bear the same proportion to the valuation which it bore in 1876. The last two propositions are identical in result, it being a matter of percentage, whichever way it is phrased. Calculated *per capita* the taxation for 1893, if it were equal to that of 1876, would be $50,000,000 instead of $34,177,429.55—in other words there would be a difference of $16,000,000. If the same rate were imposed, and property had to pay in proportion as it then did, the difference would be still greater, for the levy would be $54,138,518.81.

There is still another aspect of the question of taxation which is seldom remembered and still more seldom referred to. It is presented by the fact that when a citizen of New York city pays his annual bill he has settled all his taxes for the year. Not only are the city and county taxes included in the $1.83 which he will this year probably pay on each $100 of the Commissioners' valuation, but the State tax is also included. Neither is there any separate charge for school tax, road tax, judiciary tax, military tax, or any other one of the various forms of taxes commonly levied in other communities. The single bill is all he is required, with the single exception of his water rates, to pay for all the extraordinary advantages to which he is entitled by virtue of his residence here.

It is this fact that renders comparison between the conditions in New York and those in other cities so extremely difficult and complicated a task. Comparatively few communities order their business in the same fashion, but on the contrary almost everywhere else there is a division of burdens. The bare fact that New York is to pay a tax of $34,000,000 this year leads to the hasty conclusion among non-thinking persons that our community is tax-ridden—a conclusion that too many unscrupulous persons are ready to declare for partisan purposes. If, however, there be any virtue in a plain statement of facts, such as this is, the conclusion is manifestly false.

A table of comparisons between the tax rates of this and other cities, which was published recently in one of our newspapers, was absolutely worthless for these reasons, and was even incorrect in regard to New York city itself. The rate here, this

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paragraph stated, will be 1.87 this year. As a matter of fact it will be 1.83, or possibly less. The rate in other cities for the current year was quoted at 1.85 in Philadelphia, 2.77 in Brooklyn, 2.84 in Cincinnati, 2 in New Orleans, 2.84 in Jersey City, 2.73 in Cleveland, 2.17 in Louisville, 2 in St. Paul, 4.10 in Omaha, and 4.35 in Chicago last year. Aside from the incompleteness of this statement (no mention being made of whether these rates include county and State taxes or not) it is evident that a just comparison would include a discussion of the efficiency of the local governments and of the magnitude of the public works. New York not only pays less than most other large cities, but gets far more than almost any of them.

Surprising and gratifying as these comparisons may be, there is still another side to the question which can be considered with equal gratification. The public works that have been planned and executed since 1876 are such as would have been deemed visionary at that time. Every branch of the city government has increased in efficiency, in a ratio fairly commensurate with the increase in the wealth of the city. Not merely are two millions of people as well cared for by their public servants as a million and a quarter then were, but the conditions of life—the public health, safety, convenience, and even morals—are better guarded than they were then.

To whom, and to what do we owe the wonderful increase and improvement? I do not hesitate to say that the improvements in the administration of government are primarily due, not to the newspaper press, but to that public opinion which finds its first and fullest expression in the utterances of the newspapers. The constant criticism of the press undoubtedly acts as a stimulus and a corrective agency upon public officials, so far as it represents the prevailing tone of public opinion. Beyond that it is not necessary to consider the question. The people of New York city are constantly demanding improvements in their public service because they will be entirely satisfied with nothing short of perfection, or such measure of perfection as is humanly possible. And the service is constantly improving because of the demand.

The increase in wealth is, of course, largely due to the increase in population. The more people there are in a community the more uses are found for its property and the more valuable that property becomes. When, to an increase in numbers there

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is added an improvement in government, capital is attracted and, finding security, remains. The decrease in the burden of taxation comes directly from the wisdom, honesty and efficiency of the administration of affairs. We have seen that if the city government to-day were conducted on the lines on which it was formerly conducted, our 2,000,000 of people would now have a public debt of $186,500,000, and would be paying an annual tax of $50,000,000 or more. The irresistible conclusion is that the administration of public affairs is much improved. Not only do the results prove it, but the details, if there were space to discuss them, would plainly indicate in what ways this proposition is true.

All three of these causes, public opinion, growth of population, and improved administration of public affairs, act mutually, one upon the others, and all to the general improvement of civic life. Such statements may appear to be truisms, but they are necessary premises to the important and political lesson to be learned from them.

Tammany Hall justly claims its full measure of credit for the improvements it has brought about in the public service, since the time when it resumed control of municipal affairs in 1888. It would be an absurdity to claim credit for all the differences that obtain between the present condition of affairs and those of 1876. Neither has 1876 been selected for a comparsion for any reason beyond the fact that the public debt was largest in that year. No such claim is made. Nor is there any claim for credit for the increase of wealth which results from natural conditions and natural growth. What is claimed, with perfect confidence that the claim cannot be controverted, is that since Tammany's accession to power the various departments of the city government have been administered more efficiently than they ever were before; that greater improvements have been accomplished more economically than ever before; and that not a single case has occurred in which a Tammany Hall official has been known to be derelict to his trust or to have misappropriated a single dollar of the public funds.

There is a very large and eminently respectable portion of the community who stand opposed to Tammany Hall to-day, and who, doubtless, believe conscientiously that a better administration of municipal affairs would result if Tammany should be de-

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feated at the polls, and if they themselves should be put in control of the city government. The only means whereby they can hope to accomplish such an end is to attack the Democratic party, and it is interesting to examine into the grounds on which they undertake to do so. When their arguments are sifted they are found to rest entirely on two premises. One is that the great majority of the voters of the city are controlled by liquor dealers, and the other is that that same majority (some sixty odd per cent. of the people) are controlled by "the organization."

In the first place the two propositions contradict each other. In the second place neither one is true. Liquor dealers, as a matter of fact, bear just about the same proportion to the Tammany vote as they do to the anti-Tammany vote. They naturally control or influence votes, and since the majority of the community favor Tammany Hall it naturally follows that a majority of the liquor dealers do so. Secondly, "the organization" does not, as a matter of fact, control the voters, but the voters do control the organization. This is a fact so patent to any one who will take the trouble to look into the matter that it is not worth while to discuss it.

The organization claims the common justice of being judged on the results of what it has done. If these results be examined in detail it will be found that under the administration of the last five years certain things have been insisted upon as essential to the public service.

The first of these requisites is honesty. If any instance of dishonesty is discovered on the part of a public servant Tammany Hall will insist upon the removal and punishment of that official as promptly and as vigorously as any other portion of the community will do it. This need not be considered to proceed from the assumption of any superiority in morals over the rest of humanity, but, putting it on the lowest ground, it may fairly be said to result from the fact that Tammany Hall perceives the wisdom of being honest. Honesty is at least the best political policy, and Tammany Hall has no relish for the notion of carrying the burden of any individual member's dishonesty.

The second essential is efficiency. In all the criticisms that have been directed against the present administration, not one, so far as can be recalled now, has been to the effect that public duties are not well performed. If a public official can be found

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who neglects his duties, or who prefers his private interests to his public service, his place will speedily be filled by a worthier man. So much, every Tammany Democrat knows of a certainty.

The third is economy. It is again worthy of notice that no charge of extravagant expenditures of public money have been made against the city government for a few years past. Time was when New York City was expected to pay more for its purchases, or for many of them, than the ordinary buyer would do in open market. It is not expected now, and it is not the fact, that the corporation pays exorbitantly for anything it buys. On the contrary, it is a close buyer, and one of the principal reasons, if not the main reason, why this is so is that the old system of $999-contracts, which was continued in the city until 1888, has been entirely abolished, and the result is due certainly to the system inaugurated by the Democratic party.

It was formerly the habit to make small purchases and to do small jobs of work by private contract instead of opening the matter to competition. The charter of the city wisely allows such things to be done because in some cases it results in a saving. For example, when it becomes necessary to make repairs to some of the patent pumps and machinery used in the Croton Aqueduct system, it is wiser to contract with the patentees who have their own workmen than to open competition among machinists, and by awarding the job to the lowest bidder run the risk of ruining the machinery.

But the law opened the door to corruption by allowing anything less than $1,000 to be bought or done under a private contract, and under former administrations enormous pressure was brought to bear to secure these small contracts. The result was a large loss to the city. It will be glad news to professional reformers that these private contracts are no longer awarded. In every case where there is not a public competition, the reasons for a private award are written out in full on the papers and become a public record. The credit of this reform belongs entirely to Tammany Hall.

It therefore happens that public affairs are now conducted more openly than they ever were before. With this openness comes a lowering of expense. But over and above this result, it is a fact that public improvements are now carried on under a comprehensive and systematic plan such as was never before

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adopted. To enter upon a discussion of this would be to lengthen this article to tediousness. The facts are so well known as to render the work unnecessary, and the mere statement suffices.

If this article were intended as a political argument only it would be appropriate and proper to go further into particulars on these lines. Being intended, as it is, for an exposition of the actual condition and prosperity of the city, further details are probably superfluous. The great fact remains that New York city is one of the richest communities in the world, with enormous corporation property and comparatively very small debt; that our rate of taxation is exceptionally small, while the returns made to the citizen are almost unequalled, and that the city government, in deference to the imperative demands of our people, has been brought to a standard of honesty, efficiency and economy which compares favorably with that of any other community on earth.

It is impossible to believe, or even to suppose, that the limit of prosperity has been reached. There are no signs of retrogression. Our prosperity is attracting desirable citizens, who are joining us year by year, not only from the ranks of the foreign immigrants, but from all parts of our own country. Capital is flowing into our coffers. Modern thought and modern systems are bettering the conditions of life continually, and so long as our public affairs continue to be administered in accordance with the well-tried principles of American political history as they are formulated by the now dominant political party, just so long may we expect to advance at something like our present rate of progress.

THOMAS F. GILROY.

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THE REVISION OF THE BELGIAN CONSTITUTION.

BY HIS EXCELLENCY THE BELGIAN MINISTER AT WASHINGTON,
ALFRED LE GHAIT.

After the revolution, which separated Belgium from Holland in 1830, the former was constituted an independent and perpetually neutral State. The first care of the National Congress was to give the country a constitution, which was promulgated on the 7th of February, 1831. Belgium was born again, with her glorious traditions of secular liberty under a new régime, that of a constitutional monarchy, in which the powers were fairly balanced, and the exercise of all its liberties was assured to the nation. The Belgian constitution has since then gained the admiration of the civilized world, and on account of its merits and of the proverbial wisdom of the dynasty under whose ægis she has flourished for sixty-two years, Belgium enjoys an era of peace and prosperity of which history offers few examples.

The Belgians, proud of their constitution, have loved, respected and cherished it, and have on several occasions repelled attempts to modify it. Whatever may be the political or social questions which divide the Belgians, a spirit of quiet common sense, of great patriotism, unites them, when it is necessary to defend and maintain those grand fundamental principles, on which are based the institutions of the country, and which have assured its happiness under the constitutional monarchy.

With the hereditary monarchy, the constitution has established the Parliament, composed of the Chamber of Representatives and the Senate. The members of the two chambers are directly elected by the people. The responsible ministers are chosen by the King from the majority designated at elections. All powers

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emanate from the nation. The legislative power is exercised collectively by the King and the two Chambers.

The whole political organization is based on the elective system, and it results—as is evidenced in the United States—that the elective system is the absolute reign of the majority. If tyranny is to be feared in the Great Republic or in Belgium it cannot be that of the executive power, but only that of the majority, which in the name of its rights, more constitutional, sometimes, than real, governs the country in its own manner, without regard to the minority which, though powerless, is often nearly as numerous as the controlling party.

The importance of the majority explains the efforts of the defeated classes to come into power in their turn by the aid of the ballot box. In the countries where parliaments prevail, people no longer conspire against the sovereign—no struggle is made to extort concessions from him—but the struggle is, to belong to the all powerful majority.

The constitution of 1831 adopted the exclusive principle of taxpaying, considering it as a presumption of capacity, and made it the unique basis of electoral franchise. Articles 47 to 59 establish the rules which serve as a basis for the two branches of Parliament. Article 47 prescribes that the representatives shall be elected by citizens paying the "cens" or tax fixed by the electoral law, which could not be over 100 florins, nor under 20 florins direct taxation. The number of deputies could not exceed the proportion of 1 for 40,000 inhabitants. They were elected for four years. The Senators were elected for eight years by the same electors, their number being limited to that of half of the representatives.

The revised electoral law—that of the 12th of March, 1848—accords the right of suffrage to all Belgians paying the minimum tax of 20 florins (43.32 francs). It was impossible to go further than this under the provisions of Article 47 of the constitution. By the law of 1848 the total number of electors amounted only to 79,189, for a population of 4,359,090 inhabitants.

This régime has lasted until to-day, but a universal economic revolution, perhaps more intense in Belgium than elsewhere, has been in progress since 1848. Riches, general education and population have increased out of all proportion to the limited num-

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ber of citizens invested with the right to vote. To-day 134,437 electors decide the destiny of a population of more than 6,000,000 souls.

The injustice of this situation has been acknowledged for several years; divers attempts have been made to bring about a revision of Article 47, but the respect for the constitution was such that no majority ventured to assume the responsibility of laying hands on it. In 1870, in 1883 and in 1887 various propositions for revision were submitted to the House, but they failed to pass. A new effort was made on the 19th of November, 1890, by Mr. P. Janson and his friends of the Advanced Left, and this time Mr. Beernaert, chief of the Conservative cabinet, and the leaders of the principal parliamentary groups, having declared themselves in favor of Mr. Janson's proposition for the revision of Articles 47, 53 and 56, it was unanimously adopted by the 118 members present.

The extension of the right of suffrage was declared just and legitimate by all the organs of the nation. This unanimity alone authorized the alteration of the Constitution, for its revision could not be accomplished except by the wish of the people and after the matter had been considered with all the maturity of judgment and patriotism that such an important act in the history of a people demands. It was understood that the revision was only to be applied to the articles specially designated, and that the great fundamental principles were to remain unattacked. But though everybody was agreed upon the necessity of increasing the right of suffrage, there was no agreement as to the new system that should be adopted. The door was opened for all factions, but when and how to stop the torrent which was pouring in to occupy the vacant seats of the majority was the question. Could the people pass without transition from the "cens" to the "capacity"—from a limited suffrage to a universal suffrage—without exposing the country to great perturbation?

Each revision of the constitution requires dissolution of both Houses and the election of new chambers forming the constituent assembly which decides in accord with the King the points submitted for revision, which can not be adopted except by a two-thirds vote. Committees composed of twenty-one members were appointed by the House and Senate to study the different projects of revision. The discussion was opened April 26, 1892, by a re-

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markable address by Mr. Beernaert, the chief of the cabinet. While full of gratitude and respect for the work of the legislature of 1831, which was to be attacked, he made a patriotic appeal for conciliation through which the future could be looked forward to with confidence.

On March 30, 1891, Mr. Beernaert transmitted to the Central Section the views of the government on the question of revision, embodying them in a number of articles, more elaborate than those called for by Mr. Janson's motion. He indicated the general ideas of the government as to the extension to be given to the right of franchise, as to the organization of the Senate, the representation of minorities and the right of consultation (Referendum) given to the King.

As to the right of suffrage the government recommended not as the expression of its desires, or those of its party, but as a concentration for all demands, the franchise system of England based on habitation, but at lower rates, so as to increase the number of voters of twenty-five years of age. The capacity standard was also admitted to a certain degree.

Considering that parallel modifications should be introduced simultaneously into the Senate the government proposed to fix, at thirty-five years, the age of the eligibles and of the electors which would be the same for both houses. The Senate would be recruited among citizens who had held high office or possessed real estate of the value of at least five hundred thousand francs. The representation of the minorities, so equitable on principle, and of which Mr. Beernaert has always shown himself a convinced partisan, is a point which will be left to the law to regulate.

Let us now speak of the Referendum, the *referendum royal*, and the *referendum post*. The *referendum post* was the constitutional right accorded to the King, to consult directly with the electors concerning a law voted by the Chambers, but of which the King hesitated to approve. The government thought it could not logically reorganize the legislative power without taking action on the royal power, with which it is closely allied. It thought that it would be well to invest the King with the right to place himself *en rapport* with the electoral body, to learn its opinion either as to a question of principle, or concerning a law voted upon but not yet promulgated.

The *referendum royal* was an innovation; it does not appear

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in any other monarchical constitution and has created discussions without number. Some maintained that it placed a weapon in the hands of the King with which he could baffle the parliamentary majority by making an appeal to the people. Others saw in it, on the contrary, too great an abdication of the prestige that the constitution has conferred upon the Crown, the King already having the right to refuse his approbation of the laws voted by the two Houses, and having also the right to dissolve them and appeal again to the nation.

Surely, if this appeal to the people could in certain exceptional cases render great services in covering, so to say, the responsibility of Parliament, or that of the King, and in making perhaps the exercise of his power more democratic, it might be feared on the other hand that turbulent minorities might constantly demand of the King recourse to the "referendum." The discontented masses would continually ask to be consulted and the King would find himself placed in the alternative of sacrificing a part of his dignity or of his popularity. The thought that in Belgium this plebiscite could lead to Cæsarism is an absurd idea. The dynasty of Belgium has already given too many proofs of wisdom, and King Leopold has been such a long time in the eyes of the entire world the personification of the most perfect respect for the spirit of the constitution, for anybody to find in this phantom the cause of the opposition that the referendum has met. The cause apparently will be found in the fear of weakening rather than augmenting beyond measure the power and prestige of the Crown. The legislators of Belgium have not believed it to be their duty to adopt this innovation in the constitutional customs of the country.

Mr. Beernaert declared that the government was in favor of the system known as that of "habitation." Two other methods were under discussion—the communal tax combined with the standard of intelligence, and universal suffrage. The three systems would cause in different degrees an increase of the popular vote. Various elements of the Right and of the Moderate Left united on the proposition that the voters at large should pay the "tax" of ten florins as the communal voters do, and, further, that the electoral right of vote should be given to certain classes of citizens possessing various degrees of capacity.

The system of universal suffrage proposed by Mr. P. Janson,

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leader of the Advanced Left, was discussed at the greatest length. It was supported by the Progressive Party and the mass of the working class, but was opposed by the government, which showed no favor to it either in theory or in practice. Mr. Beernaert and his friends maintained that the concession of the equal right of all to vote was an injustice, under a parliamentary régime. They could not understand, they said, why people should want to be governed by the ignorant masses, who had no interests to defend or to protect. They thought that the laws of the country and the direction of national affairs should be confided to men who had guarantees to offer. A country cannot, any more than a private individual, intrust the administration of its affairs to incapable persons without risk of disaster. Beyond this, the President of the Council and the majority of Parliament thought that it would be perilous to pass at once from a very restricted taxation system to absolute universal suffrage. It would be a jump in the dark and might expose the country to disturbances of a far-reaching character. It does not enter into the writer's province in this brief article to recite all the arguments that were made by the partisans of universal suffrage, for they are the same everywhere, and the application of the grand principle involved has, in this country, borne striking proofs of its advantages.

Naturally the classes in Belgium who had been deprived of the right of the ballot struggled without distinction to obtain it. Socialism, which is agitating in Belgium, as in other European countries, took hold of the question of the right of suffrage to excite the democratic party. Congresses of workmen were held, loud demonstrations were made, and threats of general strikes were issued, in the hope of intimidating Parliament. But let us hasten to say that deaf to the cries from the street, fearless before threats, the Constitutional Parliament pursued its labors with dignity worthy of the task with which it was invested.

After long and memorable discussions, in which many eloquent speeches were heard, for and against the various projects, they were all rejected at the sessions of April 11 and 12, 1893. This showed the necessity for making mutual concessions, for all were agreed as to the necessity of finding a solution of the question as to the extension of the right of suffrage.

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When the vote of the House rejecting the principle of universal suffrage became known the workingmen's party, without waiting to know what other combined system would be adopted, manifested its disappointment and ordered strikes in several parts of the country. Some riotous proceedings followed, but the strikes did not become general, and the gendarmes, with the energetic aid of the Civic Guard, succeeded without the assistance of the army in reëstablishing order. These troubles were greatly exaggerated by the foreign press, both as to their political and social significance. Never for an instant did the Belgians feel the apprehensions manifested beyond the frontier. Parliament did not hesitate for an instant in the accomplishment of its duties, conscious of the grandeur of its task, filled with the love of country and deaf to the influences and menaces of the outer world, it rejected universal suffrage—pure and simple—and adopted a few days afterwards, in an amended form, the plural vote system.

Parliament did not change its opinion or contradict itself; by the votes of the 11th and 12th of April it rejected all the projects originally proposed, none of them having obtained the prescribed two-thirds vote. The 18th of April it adopted a measure, based, it is true, upon universal suffrage, but surrounded by the guarantees that its adversaries claimed. This proposition was submitted by Mr. Nyssens. The government, the majority, and the leaders of the various political groups, joined together, ready to make all patriotic concessions. They obtained sufficient guarantees to honorably accept the bill. The system of the plural vote was adopted in the Chamber on the 18th of April, the vote standing ayes 119, noes 14, and 12 not voting. On the receipt of a favorable report of the Commission of Twenty-one, the Senate adopted, by a vote of 52 against 1, the plural vote. There were 14 non-voters, who, as in the House, came from the Left and the Moderate Right.

The system adopted by Belgium to regulate the right of suffrage for the election of members of the House is entirely new, and on this account it is interesting to reproduce *in extenso,* the new Article 47 of the Constitution. It is as follows:

"*Article* 47.—The deputies of the Chamber of Representatives are elected by the citizens under the conditions hereafter prescribed.

"A vote is given to every Belgian of 25 years of age who has lived for a year at least in the same district, and who is not disqualified by law.

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"A supplementary vote is given on the strength of any of the following qualifications:

"*First*—To be 35 years of age, married or widower having legitimate offspring, and paying the state at least five francs personal taxation, unless exempted by reason of his profession.

"*Secondly*—To be 25 years old and owner of property of the value of 2,000 francs, recorded on the basis of cadastral revenue. Also from an inscription in the records of the public debt of Belgian 'Rentes' at the savings bank showing a revenue of 100 francs. These values must have belonged to the possessor for two years at least.

"The property of the wife is calculated as belonging to the husband; that of minor children to the father.

"*Thirdly*—To be 25 years old and embraced in the following category:

"(*a*) To possess a diploma for higher instruction, or a certificate showing that the bearer has completed an intermediate course of a higher order, no distinction being made between public or private schools.

"(*b*) To fill or have filled a public position, to occupy or have occupied a position, to exercise or have exercised a private profession, which implies the evident presumption that the person possesses education in a superior degree. The law will pronounce as to these functions, positions, and professions.

"*Nobody can cumulate more than three votes.*

"*It is obligatory to vote.*"

Article 47 of the constitution thus revised is a political transaction which does honor to the tact and patriotism of the members of Parliament.

Universal suffrage is henceforth inscribed in the constitution for all worthy citizens of the age of twenty-five years, but conservative ideas are largely protected, by the addition of one or two votes to the heads of families and property owners. The voting power is also represented by the adjudication of a vote to the holders of diplomas whom the law will designate. The exercise of the right to vote is declared obligatory.

Article 52, as revised, fixes the annual salary of the members of the House at four thousand francs, with the power to travel on all State railroads free of cost, likewise on all leased lines from the member's residence to the capital. The revision of Articles 53, 54, 56, 57 and 58, concerning the organization of the Senate, occupied many months and was more laborious than that of Article 47, which seemed at the commencement far more important.

According to the constitution of 1831 the Senators were elected by the same citizens who elected the representatives, but in the proportion of one to two; the Senators were to be forty years of age, and to pay 1,000 florins (or 2,100 francs) taxation. The

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principle established by the constitution of 1831, which caused the Senate to emanate entirely from the same source as the other branch of Parliament, and which gave it the "cens" as sole basis, has often been attacked. From the commencement of the discussion the President of the Council expressed the opinion that it would be well to give to the two assemblies a different basis and a different character.

If one considers the enormous increase of general wealth since 1831, the Senate does not in the actual condition of things represent the moneyed element of the country. The determination to bring about a new order of things provoked long and interesting discussions. The election in the second degree (indirect election) practised in the United States has excited the admiration of foreign observers, and has often been considered as a model for Belgian legislators. The American Senate, which is one of the glories of the institutions of this country, has the salient character of representing the various independent States of the Union as "separate commonwealths." This character, so special, so suitable for this country, could not be entirely adopted for the different mechanism of Belgian institutions. The Belgian upper House has no privilege of which the lower House is deprived. They act conjointly. But the Senate, in its constitution and attributes, must possess characteristics so distinct from those of the lower House, as to prevent it from being an instrument of routine, which mechanically passes the bills of the lower House. It is necessary that the Senate shall unite, within itself, the most eminent men in the first rank of national activity, filled with the spirit of moderation, order and tradition. It is further requisite that the Senate shall be the highest synthetic expression of the rights of property, of the wisdom and knowledge of the country, so that this assembly may be surrounded with prestige and undisputed authority.

A great number of suggestions were made with a view to reaching this ideal and, at the same time, to placing the Belgian Senate as much in harmony as possible with the lower House, after the revision of Article 47. Some of the propositions gave to the Senate a too democratic composition, others too conservative, but none of them could obtain the majority of two-thirds, which the constitutional assembly demanded. Finally a solution was arrived at, having the direct election as a basis, combined with

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election in the second degree by the provincial councils. The Senators are elected by the voters like the members of the lower House, according to Articles 47 and 48, and according to a basis of population of each province, one Senator being elected for two representatives. To be eligible in this category it is necessary, in addition to the requirement of forty years of age, to pay 1,200 francs or to be proprietor of real estate representing a cadastral value of 12,000 francs.

Besides the first category the provincial councils elect from two to four Senators for each province, according to the population, which will give twenty-six more Senators who are not submitted to the "cens" or property qualification. The electoral law provides for all the other conditions. Senators will not receive any salary or compensation. Revised Articles 60 and 61 provide for the right of succession to the throne.

The great work of revision came to an end on September 2, 1893. The House held 98 sessions and voted 85 times. The Senate held 17 sessions and voted 41 times. The royal sanction was received on September 7 and the law promulgated immediately.

Mr. Beernaert, President of the Council, closed the debate as he opened it, by words full of the highest patriotism. "It is freely and voluntarily," he said, "that we have changed our constitution, and it is a grand thing to see a hitherto privileged part of the nation abdicate its privileges; and I express the hope that with the aid of Providence, and under the ægis of the new constitution, Belgium will pass through a long era of prosperity, and that harmony may reign in the ranks of all her citizens." The Constitutional Parliament dissolved with shouts of "Long Live the King."

A. Le Ghait.

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EUROPEAN WOMEN.

I.—A "PARISIENNE."

BY THE MARQUISE DE SAN CARLOS.

THE genuine Frenchwoman of society is rarely beautiful. She is always more or less fascinating. Like the French nobleman she is tall, lithe, intelligent, appreciative of art, with much delicacy of feeling, and has either very strong, almost bigoted, principles or none at all.

As there is no possibility for the development of love before marriage, this most natural of all human passions is apt to assert its power long after the excitable young Frenchwoman has contracted an alliance with some "unsympathetic fellow," and it needs much character and very solid virtue to resist the courtship of enterprising French noblemen who swarm round young brides with the scepticism of true libertines.

Women of strict principles, who have not become nuns on leaving school, and who have had the courage to withstand the current of youth and passion, lead, after marriage, for the most part, lives of silent domestic martyrdom. Those who have rather loose morals, and they are perchance the greater number, seem to have a pretty good time of it, and spend their golden years "*trompant leurs maris*" with a vengeance, while they bring up their children with the greatest severity, on a system of blindfold ignorance. In fact, the cool way French women have of being immoral without giving up going to church on Sunday is a mystery. One sister will be a Carmelite, and the other will accept the homage of half a dozen admirers. Yet both have been educated in the same convent; both have shared the same life till the age of eighteen, when the gay laughing blonde entered

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a religious order, and the dark almond-eyed sister sought the marriage tie for the sole purpose of securing freedom.

The French are naturally artistic in their tastes; this characteristic reaches the very quintessence of delicacy in the person of a dainty lady of fashion. She gives evidence of her fastidiousness from the tip of her tiny slipper to the soft curly ringlets that encircle her brow or have been trained to curl round her graceful neck. The display of underclothes made in the windows of renowned "*lingèries*" give but a faint idea of the fairy-like fancies with which lace frills and ruffled flounces, tasty ribbons and transparent *foulards* have been taught to hide spare forms and bony limbs and suggest the line of beauty in the reflection of a Psyche.

In the arrangement of her toilette the art of a French belle is so great that one is easily led to believe her beautiful until an English or American "professional" enters the room! Then only does one understand where the difference lies. The Anglo-Saxon reminds you of some antique statue; her pencilled eyebrows, her fresh, sweet mouth, the perfect oval of her face and her dazzling complexion are unrivalled; while the pretty Marquise's nose suddenly appears too long, her coloring despairingly sallow, her lips too thin, and her mouth too large.

But keep your two beauties together for a little while; the Englishwoman will be sure to have much amusing and interesting information on hand; whereas it will be quite impossible ten minutes after to recall a word of all the gay nonsense your French friend spouted away almost unwittingly, and when the next waltz strikes up you are half surprised to find that you have left your charming compatriot to the care of some adventurous Frenchman and that the bright bewitching eyes of the Marquise are looking up to you from beneath your very own.

Besides, Anglo-Saxon women rarely possess "*l'art de porter la toilette.*" One reads "Worth" or "Doucet" all over their finery; not so the true Parisienne. She is never a *mannequin*, but leaves this part to the saleswoman. Put the same gown on the Vicomtesse de X. and Lady Z. and you will hear people exclaim as the former passes: "How well the Vicomtesse looks to-day!" and when Lady Z. follows it will be: "What a fortune she spends on Worth." There is something, or rather a nothing—"*un rien*"—as the French say—in the way of giving last touches, of placing a

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flower or a jewel on this side or that, which the Parisienne has found in her own looking-glass, and which suits her own peculiar style, her own face and nose and smile, and which she would have placed quite differently had she Lady Z.'s nose and face and smile. In the meantime pretty unartistic Lady Z. has left the bow just where the seamstress pinned it on, and has allowed her *coiffeur* to dress her hair as best he chooses.

Dress moulds itself to the figure of an *élégante*, who remains hours before her mirror, like a painter before his easel, intent on beautifying the image therein reflected. This artistic *chef d'œuvre* once terminated madame seems to forget entirely the pretty picture she has made, and from that moment dedicates all her faculties to the use of those other weapons which intelligent coquetry places at her disposal. Tact, wit and the ever smouldering fire of her glances are all called to action, and soon envelop her in a magnetic atmosphere which easily hypnotizes those who approach too closely and fall an easy prey to the charms of this fascinating siren.

The life of a Parisienne is a round of continual amusement. This, however, may be said of every woman of society in all parts of the world. That society is more absorbing and less fatiguing, more intoxicating though less exciting, in Paris than elsewhere is equally true. The masculine element and the undercurrent of rivalry with the *demi-monde* add much of forbidden-fruit-like charm to the enjoyments of society. Men have nothing to do; women naught but their toilettes to think of; there is plenty of time left for pleasures the most subtle.

Housekeeping lies lightly on the shoulders of a Parisienne. If one has an apartment it is easily superintended; for an important establishment there exist legions of well-trained servants with whom the whole thing is a question of money, not of possibilities, as happens in many other countries. To give a reception, whatever may be its character, is therefore an easy matter. A few well-combined orders, and every detail is executed with artistic and intelligent care. Any Parisienne may give a ball or go to one without having housekeeping worries to weigh down her light, graceful spirits. Let us then seek her in her own bright kingdom, the ball-room!

As I write these words I recall the splendid halls of the Duchess de la R., at which the "*Faubourg St. Germain*" reigned

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supreme. How aristocratic they all looked, those high bred men and women. How frail and delicate; how slender and graceful. How simple their attire notwithstanding the richness of the textures employed, the elegance of its make and the wealth of jewels placed here and there as though by accident. I used to go early and watch them as they arrived, dropping their curtseys to the mistress of the house near the entrance, while their high-sounding names were being loudly and pompously announced by the most imposing of *huissiers*.

As this stream of fashionable people passed by, it would be: "There goes the Countess X., old M.'s last flame—;" or "here is pretty Madame de N., who caused Count L.'s death in a duel with the Duke de B.—;" or "that is the Baronne de J., her husband and her husband's best friend!" and so on till the arrivals came few and far between and we would follow the Duchess back into the dancing room.

Strange, mysterious creatures are these Parisiennes, who spend their nights in soft, voluptuous motion, under the light of waxen tapers, gliding over the slippery wooden parquets of French salons to the sound of rapturous music. Graceful sirens, with swanlike necks and drooping shoulders, thin, pale arms and small, aristocratic heads, are these mothers and wives whose babes cry alone in the stillness of darkened nurseries, while their husbands make love to beautiful women as vulgar, spontaneous and dangerous as they are refined, old-fashioned and fascinating.

In these splendid halls, these gorgeous festivals, we find no real freshness, none of that virginal charm and originality that enliven society in other parts. The women we see dreaming through one enervating waltz after another in the arms of Mephistopheles like men are not innocent maidens: they are the wives and mothers of the French nobility. For this reason one feels in their midst inexpressible sadness. That very knowledge of life which gives them so voluptuous an attraction explains the odium in which dancing is held by the French clergy, for has not this healthful recreation, at which the village curate used to preside on the greensward opposite his church, long since ceased to be in France the innocent pastime of youth.

The Marquise de X., an English lady, married to a Frenchman, and with whom I frequently shared my observations in

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society, used to tell me that at home she often danced the cotillon with her husband, but had she dared indulge in such a freak at Paris she would have become the laughing stock of the city. She would have been smitten by the much dreaded blast of ridicule.

At one of these balls such as I have described I met for the first time a celebrated Marquise, still famous for her beauty. In the marvellous conservatory, forty feet square and as many high, with its huge palms and centennial ferns and its discreet globes of light, half hidden among the branches, was I introduced to this most perfect, most exquisite woman, who rose like a fairy lily in the midst of this artificial forest and looked every inch a queen in this world of aristocratic royalty.

I followed her on that glorious moonlight night down the long flight of steps that led to the grand old park which this antique mansion still retains in the heart of encroaching Paris. As we walked through the long avenues under over-reaching branches of oaks and lindens, we discoursed on art and study, and I could not help contrasting the elevation of this beautiful woman's mind with the emptiness of her life—the life of all her friends—an endless round of balls and receptions, races and theatre-parties, charity fairs and art expositions, morning rides and afternoon drives, five o'clock teas and grand dinner parties, to say nothing of escapades.

That the Marquise is beautiful I need not repeat. Her complexion is fair and her figure is that of a goddess, but it is in her eyes that lies the spell. They are by no means languishing eyes, neither are they petulant black eyes. They are of a deep blue violet, with long, dark lashes—eyes that beam on you with intelligence and overflow on all who approach her with feminine tenderness. Her short upper lip has that daintiness and haughtiness that generations of culture and refinement alone can produce. She is, in short, the most perfect type of the Parisienne I know, because she unites such beauty as is rarely found among the aristocracy to all that peculiar charm of manner, fascination and *esprit*, the secret of which the Parisienne alone possesses.

Since I was introduced to the Marquise I have been to Spain, to England, to America. I have watched by the bedside of dying children and moaned over the loss of those most dearly

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beloved. Need I add that during all this time of suffering I had almost forgotten the existence of that gay world of pleasure called Society, when Fortune's mad wheel threw me again suddenly, not long ago, into the midst of a Parisian ball? I felt as though I had grown hundreds of years old, and looked round in bewilderment to see who had filled the ranks of my friends, when, lo! in a quadrille opposite I saw advancing pretty Mademoiselle R., holding out her skirts just as gracefully as she used to do ten long years ago! And in the angle of the room, behind her, was the Duchess of Y., with her parrot-like nose and crooked back, scanning all that was going on through her spiteful old glasses just as before. The grand Madame B., too, was there sitting in a conspicuous position, displaying diamonds and old flesh with the same complacency as ever. Almost next to me was Mademoiselle de C., now Madame de P., whose jealous husband mounted guard beside her in the same ridiculous fashion that had caused him to be laughed at as her suitor.

I went about questioning every body and found to my surprise that none of the people had travelled; none had had sick loved ones to nurse; no one had seemingly lost any near relatives. During all this time they had all been doing the same thing over again, day after day and night after night. They looked tired and restless, not bored—as though waiting for something, a "*bon mot*" or a bit of scandal, before dispersing. A few only of my old acquaintances were missing, and these had been replaced by their moral counterparts.

Yes, on the whole, I had awakened from a long sleep, a modern Rip Van Winkle, with this difference, that I had found no change. The Vicomtesse L. urged me to go to her Thursdays in the very words I was in the habit of recalling, and when I asked Madame de B. about her painting, she replied coquettishly, her usual answer: "Oh! I am nothing but an amateur, you know!"

But none of these intelligent folk seemed to take the least pains to amuse themselves, much less to amuse one another. Women glided about, waiting to be admired. Men stood off, like so many supercilious critics. There was a good deal of excellent music which no one listened to, yet they would have been incensed had it proved to be mediocre. Finally Coquelin was announced, and deluged the whole assembly with a shower of Parisian wit such as none other possesses, of diamond-cut brilliancy, after

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which all went home contented. People of Society have no time to make fun for themselves; it must be served up hot, that they may partake of this spicy stimulus, this mental constitutional, necessary to the life of a true Parisian.

As I drove away from this sort of posthumous apparition of myself in Society I could not help thinking how much more amusing and less troublesome it would have been for those who had passed their teens to spend the evening with a new book or an old friend.

LOLA DE SAN CARLOS.

II.—THE SPANISH WOMAN.

BY EVA CANEL.

THE fact that the Spanish woman enjoys no social freedom until she marries or attains her majority has given rise to the supposition, among those who know us only through the fantastic tales of unscrupulous travellers, that in Spain women live subject to the most absolute of tyrannies, and that we are the victims of the brutal selfishness of man. Nothing could be further from the truth or more calumnious. The Spanish woman yielding cheerfully and willingly the obedience to paternal authority enjoined by religion receives, with the nuptial benediction, the liberty to go about alone and to guard unaided the good name and the respect with which in childhood and youth she had seen herself surrounded. But let it not therefore be imagined that the Spanish girl leads the life of a recluse, subjected to monastic rules. So far from this being the case perhaps there is no woman in the world who enjoys herself more while she is unmarried, who is a greater coquette, or who tyrannizes more completely over her suitors; and when long dresses give her the right to present herself into society a period of amusements and diversions begins for her which terminates without regret on the part of the good wife, as soon as the duties of maternity come to fill her life and to completely occupy both her thoughts and her time.

In Spain we know nothing of women's congresses because the women who struggle and who study, and who enter the literary, artistic, scientific or journalistic arena, do so on the same foot-

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ing as the men, the culture of both sexes being thus measured by the same standard. Our women professors, our literary women and all the women who devote themselves to a scientific career, pursue their studies with the men, discuss scientific questions with the men later on, and continue always to be their companions, without asking liberties which they do not need, because they feel honored by and are satisfied with the protection and respect which the opposite sex yields them.

In the home the Spanish woman is the mistress and arbiter of all that concerns the management of the house, the education of the children and the order which should reign in every respectable family. There is a Spanish proverb which says: "The wife's realm is the house and the husband's the street," teaching us that our kingdom is where the vestals fed the sacred fire, but, without violence or effort, we extend the aphorism and add that while the husband does his part in the street we should do our part in the house, if only imposing respect by our presence and giving a good example to our daughters, destined to become good wives and mothers in their turn.

The Spanish knights of old entered the lists bearing the device, "For God and for my lady"—a reminiscence of chivalry which some nobles still preserve, placing before their titles when signing their names the initial letter of their wife's name. Could higher consideration or greater chivalry be asked? We do not desire divorce because we do not understand how a woman can be the wife of one man and meet another name she had formerly borne, without the blush of shame mounting to her cheek, and the tears to her eyes. To the Spanish woman the father of her children is sacred, and the man who has attained this high position never declines either in the consideration or respect of the good wife and discreet woman.

Our laws could not be wiser nor more favorable to us than they are. Before the law in Spain at the present day woman occupies the favored position to which her personal qualities and the high grade of progress which judicial science has reached in our country give her undisputed right. In criminal matters woman is shown marked preference over man, both in the imposing of certain punishments and in the manner of carrying them out; and she has an equal right with man to exercise such functions as she may find advantageous in addition to others which

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are exclusively her privilege and which have solid and reasonable guarantees in law. In civil matters woman may, according to her capacity, make contracts, and act as a witness, executrix and guardian; more, she can perform the functions of the head of the family without any limitations whatsoever, failing the father. She may also, in accordance with the commercial code, engage in commerce with the expressed or tacit consent of her husband, or of whomsoever else she might require the concession; and if she is subject to no one's authority nothing more is requisite than that she should have reached the age of twenty-one to be free to engage in commerce. What more can we Spanish women ask of our laws than to make us the absolute head of the family in case of the death or incapacity of our husbands.

In Spain there are banking houses that do business under the name of a woman, as there are women doctors, serving in the hospitals of the State, and women writers, and women journalists, and women doctors in the sciences, and women bachelors in arts, in philosophy, and in letters; and, above all, we have notable women pedagogues who have raised very high the standard of instruction in Spanish schools.

In this category I include the Spanish possessions where feminine culture has little to learn from countries that pride themselves on their culture.

To appreciate the intellectual advancement of the women of a country something more is required than can be conveyed by a quarter of an hour's discourse, dictated by the caprice or the prejudices of the speaker. Let anyone who wishes to know the intellectual condition of the Spanish woman ponder the works presented by her in the World's Columbian Exposition; let him note their character, let him study their contents, let him make himself familiar with their ideas; and thus he will be able to see how many inaccurate statements are made and spread. Let him look at the hand work, let him read the scientific works of Concepcion Arenal (a great woman who is to have a statue erected to her by popular subscription), and the critical works of Emilio Pardo Bazan, the illustrious journalist, both writers of world-wide reputation and whose glory alone is sufficient to irradiate with its splendor all the women of their country.

If this be not sufficient there are the women composers of music, the women painters, and the women sculptors of Spain—

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a brilliant constellation that occupied a conspicuous place in the exposition. And be it remembered that there was in Chicago no true exhibition of our women's work, and that it may be estimated without fear of mistake that fully ninety per cent. of what they might have presented was wanting.

In Spain women are not machines, nor do machines perform those labors which feminine intelligence can adorn; consequently everything that is the handiwork of woman bears the inimitable stamp which the *quid divinum* gives and which cannot be given by the most perfect machine.

Our women of the lower classes in the northern provinces make up for their lower grade of culture by the profound sagacity with which they are endowed, and govern and direct, unaided, the labors of the field, as well as their families, when the husband emigrates seeking to remedy his poverty or to increase his little fortune. The dowry of the Spanish woman is sacred—her husband cannot touch it without her express consent.

What does it matter then that Spanish girls are not allowed the liberty of travelling and going out unaccompanied when this is not only not to their injury but, on the contrary, greatly to their advantage? And there is one cause of this custom which alone would be sufficient to justify it—mother-love. The Spanish mother never separates from her daughters, and on the day on which she gives them up to the husbands who acquire through love indisputable rights, the mother weeps as if she were about to lose forever this piece of her heart. And be it remembered that woman in our country has the liberty to choose a husband and to marry the man whom her heart has chosen even without her parents' consent—to such an extent do the Spanish laws favor women.

The civil marriage law, when this was in force, ordained that the woman contracting marriage should be asked if she was marrying through compulsion or of her own free will, and the epistle of St. Paul, which the priest reads to the bride and groom before pronouncing the benediction, says expressly, clearly and wisely, "a companion I give you, and not a slave."

It is true that in the political sphere the Spanish woman can be neither a minister, a magistrate nor a soldier; but we are perfectly satisfied without this right, nor does it occur to us even to desire it; for the soldiers, the magistrates and the ministers are

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our devoted slaves attached to us by the sweet bonds of domestic life.

If a woman can be neither a deputy nor a Senator in Spain, she can, in exchange, be the Chief of the State—she can be a queen, as she generally is by her merits, by her grace, by her virtues, by her beauty, and by her birthright.

EVA CANEL.

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TEN YEARS OF CIVIL SERVICE REFORM.

BY THE HON. CHARLES LYMAN, PRESIDENT OF THE UNITED STATES CIVIL SERVICE COMMISSION.

THE national civil service law has now been in operation ten years, a period long enough, even considering the complex character of the service to which it applies, the obstacles to be overcome, and the conditions, in many respects unfavorable, under which it has been administered, to determine the question of its success or failure. It may be admitted at the outset that all that was in the minds of the promoters of this law has not yet come to pass. Indeed it will be many years before their expectations will all be realized. But, considering the revolutionary character of the legislation, the long established and deep-rooted customs to be superseded, and the strong prejudices to be overcome, I have no hesitation in saying that on the whole the law has been a marked success. If there are those who will not agree with this conclusion—and I presume there are—I am satisfied that for the most part they are persons whose views of what the law proposes are fanciful and in no sense justified by its terms, or who have an incomplete knowledge of the facts in the case, or both.

Before answering this question, "What then does the civil service law propose?" it will help to an understanding of the conditions which existed at the time the law was passed and afford a view of some of the evils to be remedied, to note a few of the leading facts connected with the development of the reform sentiment and the inception and progress of the reform movement in this country.

Immediately after the close of the Civil War the reform sentiment began to manifest itself in connection with the correction of abuses and corruptions which had taken root and made headway in the public service during the war, but which until its close had not attracted the attention they deserved, being overshadowed by the great events of that struggle which absorbed the minds and energies of those who gave any attention to public affairs. The

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growing reform sentiment had hardly expanded into a reform movement when Mr. Jencks, of Rhode Island, from the joint committee on retrenchment, in May, 1868, presented to the House of Representatives his now famous report and bill. This report, which presented a mass of interesting and valuable facts bearing on the subject, and the bill, which formulated definite propositions, both informed and strengthened the reform sentiment and gave such immediate impetus and direction to the reform movement that three years later, on the 3d of March, 1871, Congress passed the law under which most admirable work was done and most valuable results attained through the rules formulated and the examinations supervised by the Civil Service Commission, headed successively by George William Curtis and Dorman B. Eaton.

The abandonment of examinations under these rules, in 1875, on account of the failure of Congress to make suitable appropriations for carrying them on had the effect of strengthening rather than of weakening the reform sentiment, which by that time had attained to such proportions that both the leading political parties found it expedient to give it indorsement and pledge of support in their national, and in many instances in their State, platforms. No legislation, however, resulted from these pledges until the resignation of Senators Conkling and Platt, in consequence of the refusal of President Garfield to yield to their dictation in the matter of certain New York appointments—followed shortly by the assassination of Garfield, and in due course by the election of Grover Cleveland Governor of New York by a phenomenal majority—showed the politicians that a crisis was at hand which meant death to the "spoils" system or to the party that should stand by it, one or the other. The result was the passage on the 16th of January, 1883, of the Civil Service Law. Since this event occurred there has been no diminution, but on the contrary a steady although not rapid increase, in the strength of the reform sentiment, as is evidenced by the passage of reform laws in two States, Massachusetts and New York, and in several municipalities; in the greater vigilance exercised by the public concerning the character and conduct of public officials, and the closer watch over administrative affairs maintained by the general public. No observing person can have failed to notice the higher standard set by public opinion for the

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conduct of public officials now than was the case twenty, or even ten, years ago. Conduct which then would have passed unnoticed would not now be tolerated. All this is part and parcel of the reform movement and directly concerns the successful administration of the civil service law.

Now, what did the civil service law propose? In brief, this: To substitute, within the sphere of its operations, a "merit" system or method of appointment and promotion for the "spoils" system or method, and thereby to increase the efficiency and improve the character of the service; to apportion the appointments in the departments at Washington to the States, Territories, and the District of Columbia according to population; to prevent appointments and dismissals for purely political reasons, and to prohibit the levying of political assessments upon government employees, and the solicitation or collection of political contributions from officers or employees by other officers or employees anywhere, or such solicitation or collection from anybody, whether official or not, by any body, whether official or not, in any building in which the public business is carried on. If these things have been or are being secured, then the law is operating successfully. But, if, on the other hand, they are not being secured, then the law, or at least its administration, is a failure.

The law, in terms, immediately applied to only a fraction of the service which it was intended should ultimately be covered by it, viz.: To the departments at Washington, to each custom-house in which there were fifty employees, then and now eleven in number, and to each post-office in which there were fifty employees, then twenty-three, but now fifty-three in number. The President was, however, authorized to extend its provisions to other custom-houses and post-offices, and also to other branches of the service. That authority has been freely exercised by two Presidents. In June, 1888, President Cleveland revised and extended the classifications of the departmental service so as to cover nearly two thousand places not previously classified, and near the close of his first administration he extended the provisions of the law to the railway mail service. President Harrison, during his administration, brought under the law all the physicians in the Indian service; superintendents, assistant superintendents, teachers and matrons in the Indian school service; the employees of the Fish Commission, and all the free delivery post-offices not previously

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classified, numbering at the time five hundred and forty-eight offices.

At first the number of places within the classified service and subject to the provisions of the law was not far from fourteen thousand. It is now upwards of forty-five thousand. And yet the extensions have not been rapid enough nor have they gone far enough to satisfy some of the best friends of reform. I think, however, that the general sentiment even among the reformers is that, considering the facilities which the Commission has had for carrying on the work, the extensions have gone fast and far enough.

But the end is not yet. No friend of reform will be content to rest long at the present point of attainment, but will demand that extensions go forward as rapidly as practicable, until every branch of the service and every place to which the law can appropriately be applied has been covered by its provisions, and the "spoils" system has been utterly rooted out, and has ceased to be anything but a name and a tradition.

So far as the departments at Washington are concerned the law has from the very first been accepted and observed in good faith with only here and there a feeble attempt at evasion. As vacancies have occurred they have been filled by the appointment of persons selected from the certifications of the Commission, without discrimination on account of political or religious opinions or affiliations, and upon the evidence of fitness shown by the record in each case. The Commission never admits into its files or records any statement or evidence as to the politics or religion of applicants or eligibles, and when therefore the papers go to the appointing officer with the certifications containing the names, they disclose nothing concerning these matters, and it is but stating the simple truth to say that the four thousand and more appointments made to the departments under the civil service law have been made wholly without regard to influence of any sort.

To this extent then the "spoils" system has given place to the "merit" system. It is not pertinent to this discussion to inquire whether these appointments are fairly evenly divided between or among the political parties or not. But as the question is often asked, and the assertion as often made that they are not so divided, and that this proves that the civil service law is a failure, I might as well say, once for all, that it proves nothing of

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the sort. I do not know what the exact fact is, nor does it concern me to know. Be it one thing or be it another, it does not signify anything with respect to the success or failure of the civil service law. That law provides for open and free competition, and if this is secured and there is no discrimination against any one by the appointing power, the purpose of the law is accomplished, however the appointments may be apportioned politically. That apportionment is a matter that can be left to take care of itself, at least so far as the departments at Washington are concerned, and fortunately heretofore in the main it has been so left. Any attempt now to do otherwise or to inquire into the political status of the employees now in the service, as there seems a disposition to do in some quarters, is to be discouraged, as, if persisted in, it will sooner or later inevitably lead to the very discrimination which the law so pointedly forbids.

The situation has not been so satisfactory at some of the local post-offices and custom-houses. At several of these, with every change of parties there has been an almost entire change in the political complexion of the applicants for examination ; and, as a result, the great majority of the appointments in these offices has been of adherents of the party in power. This is the spirit of the old system, the system of spoils and favoritism projecting itself into the new, and indexing the partisan sentiment of the local community. It will take time to entirely exorcise this spirit and educate sentiment up to the conviction that applicants of all parties have equal rights and will have fair and equal treatment. It is being successfully done, however, a marked improvement being noticeable this year over four and eight years ago. At some of the very largest offices, as for instance, New York, Boston, Brooklyn and Chicago, and at many of the smaller ones, this state of things has never existed to any appreciable extent. At many of the newly classified free-delivery offices, however, the disease is very malignant, and requires and is receiving radical treatment, the Post-Office Department cordially coöperating with the Commission to secure a competition as unrestrained as the law contemplates and provides for. As might have been expected, it is at the very offices where these conditions have existed and do exist that there have been and are the grossest violations of the law, such as dismissals for political reasons, partisan discrimination in appointments, activity in political work on the part of

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public officials, and the levying and collection of political assessments. It would be discouraging indeed if no improvement were discernible in the older of these offices; but, fortunately, there has been a very decided improvement in most of them, and an almost complete change of conditions, both of sentiment and practice, in a few. This change might have been more rapid and complete had the efforts of the Commission always been seconded by the Post-Office Department. Two things powerfully help or hinder the successful enforcement of the civil service law in the local offices, viz., local public sentiment, especially as voiced by the local political press, and the attitude of the Department at Washington, and when both these are favorable the task of the Commission is comparatively light.

The railway mail service furnishes perhaps as good an illustration as can be had at once of the successful operation of the civil service law and of its good effects upon the service. That service was organized many years ago, while the Republican party was in power, and had attained to large proportions and great efficiency before there was a change of parties in the administration of the government. In 1885 the Democratic party came into power. This service was not then classified, and from the partisan standpoint was legitimate prey for the spoilsmen. They improved their opportunity, and the service suffered a rude shock in the arbitrary and indiscriminate dismissal of trained and experienced men in very large numbers, and the appointment of inexperienced, and often incompetent men, for political reasons alone. Precisely the same thing occurred again when the Republican party returned to power in 1889, when the shock was even more violent, though less prolonged than before, since the political changes had to be accomplished in the time between the 4th of March and the 1st of May, when the classification of this service made by President Cleveland near the close of his administration went into effect. Since then the service has had rest from political agitation and a chance to become well organized and strong and efficient. Even the recent change of administration has scarcely produced in it a ripple of excitement, and it may to-day be pointed to with pride as an illustration of the admirable results to be realized by the combined operation of the merit system of appointments and good administrative methods.

The Indian school and medical service and the United States

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Fish Commission have not yet been long enough under the operation of the civil service law to determine what the final results upon them will be. This much may be said, however, that the tendency thus far has been towards improvement so far as results are known, and the prospect is that these branches of the service will prove no exception to the general rule, and that the law will be found to work as well in them as in those branches where its value has already been tested and proved.

There is a very common belief among a large class of people that the civil service law "protects" the employees of the classified service from dismissal unless for cause; and that when dismissals are made without assigned cause, or "for the good of the service," as the phrase runs, the law is violated or is a "delusion," a "failure" or a "fraud." However much of truth there may be in these conclusions, and it must be confessed that they are not altogether without justification, it is nevertheless the fact that the law does not forbid dismissals except for political reasons, nor attempt to regulate them, nor require reasons to be given when they are made. The law is not, therefore, to be counted a failure when it does not prevent what it does not forbid nor assume to control. There is no question but that the logic of the law is, that, entrance to the service being upon merit as tested and shown by the examinations, continuance in the service should also be upon merit tested by conduct and capacity shown in the actual performance of the public work. And to-day this is so nearly the rule throughout the classified service, except in the recently classified free delivery post-offices, which are hardly yet organized under the law, that there is little cause of complaint. It is my conviction, however, shared in as I believe by a vast majority of the friends of reform, that, as a further check upon dismissals and an added protection to worthy employees, the President ought to promulgate a rule requiring that a written statement of the reasons for dismissal should in all cases be filed with the order of dismissal. It is probable that more dismissals are made for political reasons than are acknowledged; but the Commission being without power to administer oaths and take sworn testimony, it is very difficult to prove the facts. This is a defect in the law which ought to be remedied by giving to the Commission this power.

In my opinion a serious mistake was made at the outset by

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excepting chiefs of division, chief clerks and certain other high grade officials from examination, thus making them the prey of the spoilsmen. The Commission has suffered more unmerited criticism, and the public service more harm, from this one false step taken at the beginning than from almost all other causes put together. Every principle of good administration requires that changes in these places should be made as seldom as possible, and when vacancies occur in them for any reason, that they should, as a rule, be filled by the promotion of men who have earned promotion by faithful and efficient work in the ranks below, and who have become fitted to discharge the important duties of these responsible positions by the knowledge and experience acquired in the service. For some reason no President has yet been willing to strike these places from the excepted list; but it is to be hoped that the act will not much longer be delayed.

The civil service law contemplates that promotions in the classified service shall be made upon competitive tests; but this branch of the work has not yet been seriously entered upon. In 1887 regulations governing promotions were applied to the War Department, and others, slightly different in character, to the New York Custom-House. The examinations under these regulations were compulsory, and competitive in form though non-competitive in fact, since the whole list of eligibles was certified to the appointing officer with full liberty of choice. The regulations did not prove satisfactory, and in 1891 the Commission, believing that the time had come for carrying into effect the provisions of the civil service law on the subject in all the departments at Washington, formulated comprehensive regulations and submitted them to the President for his approval. They were not approved by him, but instead, on the 4th of December of that year, the President by an executive order directed each head of department:

> To at once devise and put in operation a plan for keeping an efficiency record of all persons within the classified service, with a view to placing promotions wholly upon the basis of merit.

That some examination, in addition to the keeping of the efficiency record, was contemplated by the President is evident from the following language contained in the order:

> In my opinion the examination for promotion of those who present themselves should be chiefly, if not wholly, upon their knowledge of the

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work of the bureau or department to which they belong and the record of efficiency made by them in their previous service.

Under this order all the departments adopted a plan for keeping efficiency records; but in no two of the departments were they alike. At least three of the departments prescribed examinations in addition to the efficiency records, which also differed in character each from the others. The result of the experiment might easily have been foretold, even before it was entered upon. The object being to promote wholly upon the basis of merit, the plan was not adequate, and was a failure from the start. It has now generally been abandoned, although efficiency records of some sort are still being kept in some of the departments. There is much disposition to hold the civil service law responsible for this experiment and its failure, while it is in no sense responsible for either. What has been true in all the past is still true, that in many instances promotions are made without any regard to merit or fitness, and upon considerations that do not have in view the public interest, and that ought not to find acceptance in the public service. That the conditions will be much improved until a well-digested and comprehensive system of competitive examinations is put into operation, is not probable. That such a system is entirely feasible is not doubted by any one who thoroughly knows the public service; and that it would produce results equally satisfactory with those already realized through the competitive examinations for admission to the service is not an open question with those who have carefully studied the subject.

There are one or two other matters that I should have liked to touch upon, but the proper limits of this article have already been transcended, and I must therefore bring it to a close with this final word. What the civil service law proposed was nothing short of a revolution, more important and far reaching in its effects upon our administrative methods and practices than any other single act of legislation ever put upon the statute books. That the revolution has not been completed in ten years ought not to surprise any intelligent person or be a cause of discouragement. It is a very great work; and if, at the end of twenty years, the whole field is covered it will be well. What is certain to-day is that the law is no longer an experiment, and is surely accomplishing its mission.

CHARLES LYMAN.

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THE PRODUCTIVITY OF THE INDIVIDUAL.

BY W. H. MALLOCK, AUTHOR OF "THE NEW REPUBLIC," "IS LIFE WORTH LIVING?" "A ROMANCE OF THE NINETEENTH CENTURY," ETC.

SOME months ago* I published in this REVIEW a paper under the title of "Who Are the Greatest Wealth-Producers?" the aim of which was to show that the larger part of the goods or commodities produced in the modern world are produced by the exercise not of the universal faculty of labor, but of those mental and moral faculties by which labor is directed and stimulated, and which are exercised and possessed by comparatively few persons; and that thus, whereas according to the prevailing view the few live on what is produced by the many, the truth is that the many—in other words the wage-earning laborers—derive a large part of their wages from what is produced by the few. In this reasoning, however, one point was involved which, though many persons will assent to it, and indeed accept it as something almost self-evident, is yet open to legitimate dispute on the part of hostile critics. It is a point of great importance; and I shall devote the present paper to discussing it more fully.

Let me briefly restate the argument of which it formed a part. The great feature in modern production is the increasing amount of commodities that are produced by an equal number of people. The annual product, for instance, of England and the United States has, in proportion to the respective populations of these countries, almost trebled itself during the past hundred years. Having called attention to this fact, I pointed out that the average workman to-day is no stronger than he was formerly, nor the skilled workman more dexterous; and that therefore this in-

* June, 1893.

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crease in productivity was obviously not due to any development of the universal faculty of labor, but to the direction and control of labor by men of inventive and managing ability. Let us suppose, for instance, that there were a hundred independent potters, each of them producing five pots daily, the men thus producing five hundred pots in the aggregate; and then let us suppose that one of their number invents some new process, and having persuaded the others to work it under his direction, secures a daily output of fifteen hundred pots instead of five hundred. I argued that the extra thousand pots were produced by the ability of this one man just as truly as five pots were produced originally by the labor of each of the others. In other words, where a number of men are associated in the production of any commodity any one man produces just so much of that commodity as is added to the total product when he devotes to the producing process any faculty possessed by him, or so much as the total product would be diminished by if he ceased to exercise such a faculty.

Now that this is true in a loose and figurative way most people will admit. Even the extremest socialist would hardly be prepared to deny that the ability of James Watt had far more to do with the present wealth of the world than the manual labor of the average skilled mechanic. But still, if the assertion is baldly and bluntly made that a single man, without manual labor—sitting perhaps at his ease in an armchair—may produce twice as many commodities as a hundred manual laborers do with their arms and hands, many people will declare this is true in a figurative way only, and that if, for instance, the man in the armchair says that he has produced a thousand pots in a day, he is not their producer in the same literal sense in which any one of the manual laborers is the producer of five pots. My aim in the present paper is to show that he is so—to show that the ability by which the efficiency of labor is multiplied is, under the existing conditions of industry, a producing agent in just as practical a sense as labor is; and that the amount of commodities produced by the man exercising it is to be measured precisely in the same way as the amount of commodities which we estimate to have been produced by any given laborer.

In the first place, then, let us consider what we mean when we speak of labor as a productive agent, and say of any given laborer

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that he has produced any given thing; for this question is by no means so simple as it seems. It is simple, indeed, in a case of the kind just mentioned—that of a potter working independently of his companions and producing every day five pots. Here we use the word *produces* in the most literal sense possible. We mean that we have five particular earthen vessels, the existence of which, apart from the impersonal contributions of Nature, is due entirely to the exertions of one particular man, and which bear in the shape and substance the actual imprint of his hands.

It must at once be admitted that if we speak of a thousand pots being produced by ability, or by the direction of labor, instead of labor itself, we are using the word *produced* in a different sense from that in which we use it when we speak of five pots being produced—as in the above case—by the labor of one man. We use it, however, in a sense that is none the less practically true.

To understand this, let us again turn to labor, and let us recollect that the case which we have just imagined is, under the present conditions of industry, an entirely imaginary, though not in itself an impossible, one. For, as a matter of fact, in even the least civilized nations, no one potter does his work independently, or performs with his own hands all the operations involved in the production of even a single pot. A number of men would be always working in concert, some digging the clay, some preparing it, some moulding the pots, some setting in motion the potter's wheels. In order, therefore, to make an example of pot-making really typical of any existing system of production, we must imagine our hundred potters all working in concert and producing five hundred pots a day between them. Now, in this case it is plain that no one of these hundred men can point to any particular five pots and say he has produced them, in the same sense in which the isolated potter could have said so whose case we at first imagined. Indeed, in that literal sense of the word, no one of them could say that he had produced any pots at all.

Are we then to say of these hundred men, who, by their united action produce five hundred pots daily, that each man produces nothing; or that it is impossible to tell what he produces? The men, we must assume, gain their living by the sale of the pots; and each man daily has a share of pots assigned to him. Let us

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assume further that the labor of all is equal in amount and quality. It is obvious, in this case, that, if the product is fairly divided, the daily share of each man will be five pots. Now, will any one say of any one of the potters that he does not make his own living by his own labor?—or in other words, that he does not produce five pots daily? Let us imagine some outsider asking him what was his title to them. "I produced them," would be of course his answer, nor would any sane person for a moment deny the truth of it. Or, let us imagine one of his fellow potters disputing his title not to all the five pots, but to two of them, and maintaining that properly he ought to have only three. Our friend's answer would be equally obvious. "We all of us," he would say, "have contributed the same amount of labor, therefore we all of us have produced the same number of pots, and I have produced not three, but five." On no other grounds than these could the statement, which is formally adopted by the "labor party" as the basis of its claims—the statement that "all wealth is produced by labor; therefore, to the laborer all wealth is due"—be made applicable in any way to any laborer individually, so as to give him a title to any definite share. For in the modern world, with a few unimportant exceptions, no one laborer produces the whole of any commodity; and it would be impossible to assign to him any finished goods, useful to himself, or possessing exchange-value, which he could be said to have produced in a strictly literal sense. But that he has produced some such goods, in a sense which is practically and substantially true, is obvious. Nobody disputes this, and the extreme advocates of the claims of labor differ from their opponents only in contending that the individual laborer produces more goods than, under existing conditions, he gets.

And this extended use of the term *production* does not end here. The individual laborer is said to produce not only a certain number of these actual commodities—such as pots—in the manufacture of which he is concerned directly, but all those necessaries of life, such as food and clothing, for which the pots are ultimately exchanged, and which alone are of service to himself. Thus the word to *produce*, as applied to labor, has, under modern conditions of industry, shifted its absolute meaning, without losing anything of its relative and practical truth. A laborer who works to-day as one out of a thousand hands in a fac-

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tory, and who cannot identify a single article as the product of his own fingers, has as good a right to a share in the total number produced, on the ground that he himself produced so many of them, as he could have had, if he had been a solitary savage, and had fashioned these identical articles, with no other human being to assist him.

Now, as I have said, this will be denied by nobody, and least of all by the advocates of the claims of labor. It will, however, be seen that the individual laborer can be called a producer, and can be said to have produced any definite amount, only on the grounds which I have already stated, namely, *that when a number of men are associated in the production of any commodity, each man produces just as much of that commodity as is added to the total product when he devotes to the producing process any faculty possessed by him; or so much as the total produced would be diminished by, if he ceased to exercise such a faculty.* Ability, then, or the faculty by which the productivity of labor is increased, produces the increased product in precisely the same sense as that in which each laborer produced a fraction of the total that was produced originally.

The following objection may, however, be raised. It may be said that ability, or the faculty by which labor is directed, can in itself produce nothing, until labor submits itself to its direction; and that thus if a hundred potters, directed by one able man, produce fifteen hundred pots, whereas without his direction they could produce only five hundred, the potters, nevertheless, must be held to produce the whole, because, were their labor withdrawn, no pots could be produced at all. Now as a rhetorical retort this objection is excellent; but that it has no real force may, at once, be seen thus. Let us apply it to air instead of to labor, and consider the case of agriculture. Were the above reasoning sound, we could prove that the air produced all the harvest, because without air the soil could produce nothing. But this is absurd; and, therefore, the reasoning in question must be false. But why is it more false than the reasoning, which may seem precisely similar, by which I just now said we are to discriminate the products of ability, and can prove them to be so far larger than the products of labor?

The answer to this question is instructive, and involves certain points of the highest importance not only to economics but to

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social and political reasoning generally. I have shown how when we use the word *production*, whether as applied to labor or to ability, though we use it in a true sense, we do not, under the existing conditions of industry, use it in a literal sense. Now, when once we cease to use a word in its literal sense, the truth and accuracy of any sense in which we use it will depend altogether on the connection in which it is used. Thus, if a man were to give evidence in a law court that when a certain event happened the sun was rising, he would be saying something which we may take to be absolutely true; but if he made the same statement about the sun in an astronomical treatise, we should set him down as a madman. So when we speak of production, even as applied to a laborer who works entirely by himself, and makes commodities, without any other man to help him, though speaking as economists, we can say with literal truth that he produces them, yet the statement would be nonsense, if we made it speaking as physicists. If we spoke as physicists, though we should have to take some account of the man's labor, the principal producing agents we should be concerned with would be the forces of nature. The production of bread, for instance, means a very different thing to a chemist from what it does to an economist. The fact is that in the analysis of any process we are always obliged to isolate some part of it, and to deal with this alone; the part to which our attention is confined being determined by the object we have in view. Thus when a physiologist is studying the voluntary movements of a man's body he does not trouble himself with the moral aspect of motive, but deals only with the brain and the muscles: and, conversely, the moralist deals only with the moral aspects of motive, and ignores altogether the complex physical processes without which neither action nor motive would be possible.

In precisely the same way, when political economists speak about production, they ignore and are obliged to ignore, all those productive processes, the operation of which no political action can alter, or by a knowledge of which it will not be altered. Thus, though in producing a harvest, the air and the rain are even more essential than human labor, every economist, speaking of an isolated peasant cultivator, would say that this cultivator was the sole producer of his own corn, and would feel that to drag in any mention of the air and rain was entirely beside the

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point. It would be beside the point because the presence and operation of these elements are entirely uninfluenced by the political action of man; nor is political action influenced by a knowledge of the necessity of the operation of the elements. Now that labor is a producing agent and that without labor man will have neither wealth nor sustenance, is the fundamental truth of all practical economics, and is also at the bottom of all social action. This truth has, however, an aspect which entirely escapes the notice of those who claim that labor, at the present day, is the producer of all wealth; for to say that no wealth or sustenance can be produced without labor means that, taking the human race as a whole, it cannot live without labor; and that whenever we suppose a nation of men existing, we are necessarily supposing a nation of men laboring. In other words, if we suppose men ceasing to labor, except occasionally for very brief intervals, we are practically supposing men ceasing to exist. Now, to a non-existent nation no economic reasoning can apply; therefore the moment we begin to reason about economic matters at all, just as we assume the existence of a nation of men, so we assume a nation the larger part of which labors.

And now let us return to the argument that when labor directed by ability produces three times as much as it does when not so directed, it still must be held to produce the whole, because, supposing it ceased to exert itself, nothing would be produced at all. The answer to this will be by this time obvious to the reader. The argument is false, because it is based on a purely fanciful supposition; for labor, as a whole, can never cease to exert itself, unless the laborers cease to live. If they live, they must labor just the same whether they have an employer to direct them or no; and their labor, whatever happens, must be taken as a constant quantity. The able man, on the contrary, were he to cease to exercise his ability, would yet theoretically be able, by merely exercising his labor, to live as well as any average laborer, and most probably better. Accordingly, it is perfectly legitimate to estimate the products of ability by considering what its operation has added to the products of labor, and what would be the shrinkage in production, supposing that its operation ceased; for its influence on labor has been a slow historical growth, and the cessation of its action is a theoretically possible thing: but it is practically meaningless to make a similar supposition as to labor,

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for the cessation of labor is a thing that, even theoretically, is impossible.

It may, however, be urged that, though the laborers cannot cease to labor, it is quite conceivable that they might refuse to labor under the direction of the able man. But this is not so. For as matters now stand in all highly civilized countries, production has become a process of such unimaginable complexity that even the simplest necessaries of life could hardly find their way to the humblest household unless all the countless varieties of labor were every hour directed and correlated by the action of ability. It is in fact just as idle to suppose that all the factory hands of the modern world, even if they could seize on all the manufacturing plant, would have it in their power to become independent workers, and that each could make a living by laboring under no direction but his own, as it would be to suppose that they could live without any labor at all. Indeed, such is the constitution of society now throughout the civilized world that, in spite of all that reformers and socialists could do to alter it, labor, unless directed by ability, would be as non-productive as ability which had no labor to direct. Perhaps, then, it will be said that, if such be the case, ability must really be in the same position as labor, so far as the necessity for its constant action is concerned; since if the able men refused to exercise their ability, they would be as helpless as the laborers would if they refused to submit to it; and hence it may be contended that, contrary to what was just now said, the cessation of the action of ability is no more theoretically possible than the cessation of the action of labor. Now were this contention admitted, the result would be as follows: That when any wealth at all is produced in the modern world, two faculties, namely, labor and ability, are equally necessary to its production, and that therefore each must be regarded as having produced half. As, however, ability is a faculty exercised and possessed by a few men only, while labor is a faculty common to all, it would follow from this that, though labor produced as much wealth as ability, each able man produced indefinitely more wealth than each laborer; so that the extreme advocates of the claims of labor would gain very little by adopting this train of reasoning. It is, however, inaccurate altogether; and in spite of its being true that ability, under existing conditions, is practically as necessary to almost all production as labor

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is, the necessity which compels the former faculty to exercise itself differs very widely from the necessity which compels the latter.

Let me turn again to the fact on which I have already dwelt, that for every million dollars produced by a million men a hundred years ago nearly three million dollars are produced by a million men to-day. We will assume that the million dollars a hundred years ago were produced by labor alone; but to-day, owing to the changed conditions of production, though labor and ability together produce three thousand dollars, labor alone would be unable to produce anything. It is quite true, therefore, that if the million men are to live, the able men among them will be obliged to exercise their ability for their own sakes just as much as the laborers will be obliged to labor for theirs. But between ability and labor there is this great difference, that if we measure the two by the same standard, namely that of time, the productive power of a given quantity of labor hardly varies at all, but the productive power of the same quantity of ability is capable of indefinite variation. That is to say, while under the conditions above supposed, the men of ability will be obliged to coöperate with the laborers, and exert themselves for the same number of hours daily, they will not be obliged in order to gain their living to exert ability of the same productive quality. It is not only a possible contingency, but under certain circumstances it would be inevitable, that the able men, though devoting the same number of hours to business, should make their ability less and less productive, thus gradually reducing the total amount produced till it sank from the three million dollars to two million, then to a million and a half, and finally back again to the original one million, labor all the while undergoing no change whatever. Now it is evident that the men can live on the million dollars, for the sum represents what men actually did live and thrive on till a very recent period. We will, however, suppose that they could not live on less. When, then, the efficacy of ability has sunk to the point just indicated, we may say that necessity compels the able men not to let it sink further; but there is nothing in the nature of things to prevent it sinking thus far, and the recovery of the efficacy which it lost would be altogether contingent on circumstances.

Cases such as these are not only theoretically possible, but we

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may see daily examples of them. We see some one man by his ability directing labor to greater and greater advantage, and developing some business which is perhaps developed further by his son. In the third generation, for some reason or other, there is a decline in the efficacy of the managing ability; the profits gradually fall; they at last cease; the business becomes extinct. This is merely another way of saying that as the ability possessed by the firm became less and less efficacious, less and less is produced by it in proportion to the number of laborers it employs. Thus though a complete cessation of the action of ability may be practically as impossible as a complete cessation of labor, yet a decrease in its efficacy which would reduce the gross products of the community to what they were before its action had revolutionized the conditions of labor is an event which is constantly occurring in individual cases, and which, under certain conditions, might easily become general. And a decrease in the efficacy of ability such as this, is, for all practical purposes, equal to its complete cessation.

When, therefore, we say that it is meaningless to maintain that labor produces everything, because without its aid ability could produce nothing, and maintain by seemingly similar argument that ability produces all that part of the product which, without its aid, could not have been produced by labor, we are not, indeed, saying what is completely true; for if we concern ourselves with the complete truth of the matter, we should have to say that no human exertion, of whatever kind, could, of itself, produce anything; but we are saying what is true for all practical purposes. We estimate the product of ability in a way in which it would be practically meaningless to estimate the product of labor, because if a given number of men are alive to all their labor must practically be a constant quantity, the absence of which it is as idle to speculate about as it would be to speculate about the absence of air; but the ability that is applied to the direction of their labor is a variable quantity, and when we estimate that it produces by its action just so much of the product as would not be produced were it absent, we are referring to a condition of things which actually prevailed once, and to which any day there may be a danger of again approximating.

But, though the product of labor as a whole cannot be estimated in the same way as that in which we estimate the product

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of ability, the way in which we estimate the product of ability is absolutely the same as that of each individual laborer. For, although, if we are to deal with the problem of production at all, we are unable to suppose a cessation of labor as a whole, since that would be equivalent to a cessation of all production, we are supposing not only a possibility, but a fact of daily occurrence, when we suppose the number of individual laborers to change. If, in dealing with the hundred potters, whom we just now imagined, we suppose this community to lose, by death or otherwise, one of its members, we are not supposing a cessation of production, but only a certain diminution of the gross product, and a diminution such as occurs constantly in actual life. When, therefore, we say that each individual laborer produces so much of the joint product as would not be produced if he ceased to labor, we are making our estimate by references not to impossible and fanciful suppositions, but to an event the like of which is occurring every day, and which itself might occur to-morrow. And it is, as I have said before, only by reasoning in this way that the individual laborer, under our system of complicated production, can claim to have produced anything that is either definite in quantity or useful and salable in kind. Now, that he does produce something useful and salable and that he produces a definite quantity of it is the fundamental proposition of the modern champion of labor, and nobody can deny that the proposition is, in a practical sense, though not in a literal sense, absolutely true. The individual laborer does produce a certain definite quantity of goods. What I have endeavored to explain here is that in precisely the same sense—a sense just as practical—ability likewise *produces* another definite quantity; and, no matter how much larger may be the quantity produced by the able man than that produced by the laborer, the different quantities are estimated on precisely the same principles, and that the one man is a producer, in the most hard and practical sense, just as much as the other is, the only difference being that he is a *producer* on a much greater scale.

W. H. Mallock.

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MAGIC AMONG THE RED MEN.

BY PROF. H. KELLAR.

THERE was a thrilling scene on the prairie at the Indian station of Rosebud, in South Dakota, a few years ago, which first awakened my attention to the fact that what we heedlessly term magic exists with deeply interesting complications and weird suggestions among the Indians of North America. There was to be a beef allotment by the agent, and the braves had assembled for hundreds of miles to share in the distribution of their staple of food and the festivities which attended it. Near by were the agency buildings and the cattle stockade. A magnificent expanse of flower-spangled verdure stretched to the north, dotted with the tepees of the newly-arrived warriors, while the log cabins of the progressive Indians, as those are called who adapt themselves to white men's civilization, were gathered near by. The great chief Red Cloud, to whom the Ogallalla Sioux looked up with a veneration genuinely characterized by affection, stood surveying the scene. On his serene but stern brow there was an expression of melancholy, but the interest which all that concerned his people awakened in his manly heart shone from his eyes. He was a man of tremendous physical force, and a warrior and counsellor who could hold his own with any mighty men of ancient or modern times.

The sun had set and a cold moon in the first flush of its full splendor whitened the prairie with a ghostly frost. From hundreds of camp fires there came the sounds of rejoicing. A medicine man, that is, a morose, rather flabby-looking Indian who had been pointed out as the high priest of the Ogallallas, strolled by where we were standing, on his way to his tepee, which was at some distance from the others. It was larger, and the skins of which it was composed were beautifully painted in colors with battle scenes and those emblematic outline sketches which the

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Indians have for centuries loved to make of their favorite "medicine." A rather massive looking centre pole, curiously enough, supported this tepee, instead of the slanting poles which met diagonally over head and rested upon each other in the skin tents of the braves. "What is the red man's medicine?" was the question which his white visitor put to Red Cloud. The old man said nothing; but after repeated solicitations consented that his Caucasian friend should go to the medicine man's wigwam and say that it was the wish of Red Cloud that the mysterious priest should give this paleface whatever enlightment he chose upon the question.

No one familiar with the strong religious nature of the North American Indian, his marvellous confidence in and reliance upon the Great Spirit, whose worship is almost the same in all the great Indian families and tribes in North America, would have been likely to ask any such question of a chief. To the Indian medicine means mystery; it is the essential element of his religion and has a sacred and solemn significance which has for generations guarded its secrets from the curious and unworthy. To go through the medicine lodge was the greatest ordeal that awaited a brave prepared to take his place among the warriors of his tribe. On the rare occasions when this privilege was demanded by and accorded to a squaw, the event was of such moment as for a time to eclipse all the other matters of interest. The secrets for which an Indian would give his life would naturally not flow out in answer to a white man's idle curiosity.

The medicine man heard in silence what the intruder had to say. He took down a beautifully fashioned bow which hung from his tent-pole and carefully selected seven finely-finished arrows, the shafts of which were of the native color of the wood, the feathers from a gray hawk and the points, not of the steel at that time so freely used for the purpose, and, indeed, manufactured by white men, but of a pale flint as hard as cornelian. The seeker after knowledge watched the seer as he examined his weapons, and, when he strode out on the prairie a distance of thirty or forty feet from his tepee, followed him. There was an extraordinary brilliancy in the atmosphere that evening, which left no doubt that, whatever the medicine man chose to do, a practised eye could readily follow. Drawing an arrow to the head on his bowstring, and looking up one moment into the zenith as if to locate the exact spot he pro-

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posed to pierce with his shaft, he released his powerful bow, and the dart that left its cord flew straight and swift and glittering for a moment, in the moonlight, in a course which it seemed would inevitably bring it down upon the very head of the archer himself. The eye tried in vain to follow the course of this beautiful messenger from earth to heaven; there was, one fancied, a smile upon the face of the medicine man as, with growing attention, we waited to hear the whistle of the returning arrow. After an interval which seemed doubly long to me, he dispatched the second shaft after the first and, it seemed, in exactly the same airy channel. There was still no indication of what had become of these arrows and the medicine man was still silent. The third, fourth, fifth and sixth shafts were drawn from the quiver and dispatched in succession at the zenith. As the last sang its farewell to his bowstring the medicine man dropped the tip of his bow to the prairie and leaned upon it thoughtfully. A glance at my watch showed that just fifteen minutes had elapsed since he dispatched the first of his airy missiles, no one of which had fallen to earth so far as I could tell. Five minutes more and he returned to his tepee, closed the skin flap and strode away toward Red Cloud's house. I was determined to see the thing through, and after waiting a decent time for him to return, opened the tent flap and entered the tepee. The bow and the now empty quiver, save for one shaft, hung where I had first seen it. I waited for hours intending to give the fellow all the money I had to tell me his secret. He did not return any more than did his mysterious arrows.

A subsequent discovery that the Indian medicine men have known for centuries of the existence of magnetic iron ore, and have utilized this great secret knowledge in their own way, has given some plausibility to the suggestion a friend has made that the hollow centre-pole of this tepee was of magnetic iron, and that the medicine man was an archer of sufficient skill to be able so as to direct his shafts one after another that upon their return to earth, unseen in the pale moonlight, they buried themselves in the ground at the bottom of the centre-pole, swerved, it might be, a few inches by its magnetic attraction. Whether or no this was the case, I do know it to be a fact that among the Minnesota Sioux, who were responsible for the awful massacres of the early sixties, it was the custom for a medicine man upon the eve

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of the declaration of war to conduct the warriors of the tribe to a plain on the upper Mississippi which terminated abruptly at the base of a bluff some forty feet high. Upon this bluff in rude aboriginal painting there were a number of allegorical figures and several large war shields drawn in what was apparently the solid rock. The medicine man would marshal his braves within easy bow-shot and fire an arrow at the cliff. If the arrow stuck to the stone and did not fall to the ground he gave it out that the Great Spirit intended his red children should fight and win. If the arrow fell to the ground, however, the red men were warned that they would be defeated in the coming strife. Of course knowing which part of the cliff's surface was of the magnetic iron ore, and which of the baser material, that would not attract and hold a shaft head, the medicine man, were he so disposed, could influence the coming event.

An exhaustive study of this fascinating subject has convinced me that few races at any time in the history of the world have been more powerfully moulded by their religious beliefs than the American Indian. As Charles Godfrey Leland says in a note to the marvellous adventures of that frontier half Indian, half white man, Jim Beckwourth, whose fame, among the knowing, is not less than that of Kit Carson himself, the word medicine as used by the Indians means magic, supernatural knowledge, inspiration, and the use of amulets and charms. The origin of this curious interpretation lies in the belief that all diseases are caused by evil spirits and so require magical powers to exorcise them. A sick Indian could only be cured by a sorcerer, and the more hideous the sorcerer made himself by paint, horns, skins and skulls the more potency there was in his spells and the better chance the patient had. In no time or country of which I have ever heard was it true that the doctors of a people ranked even higher than their warriors, and were high chiefs, high priests and high medicine men all in one. But this comes very near to being the case among the North American aborigines, among all of whom it must be remembered the form of government is a theocracy of which the medicine man is the high priest.

The veneration with which the Parsees regard fire, which is the sacred symbol of the benevolence and power and beauty of their unseen god, is akin to the feeling of mysterious awe with which the Indians have always surrounded the secrets of their

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medicine. This their religion, their fleshly and spiritual consolation in one, is almost the only possession they now have left to them from their forefathers. Secrecy is its keynote. The medicine men of the Sioux and Cheyennes and Arapahoes and Pawnees have known for a much longer period than the white men can estimate of the existence of the famous pipe-clay ledges in the upper Mississippi valley from which the red pipes so wonderfully fashioned by the Indians have been made for generations. It was not until a long and fruitless search had been made that the whites discovered one of these pipe-clay ledges back of Mankato, Minn. Sitting Bull, perhaps the best known red man to the white people of this decade and at whose door the more recent disturbances among the Sioux have been laid, was no war chief at all. He was simply the high priest or medicine man of his tribe developed among influences which brought out the peculiar ruthlessness of his nature. In the great medicine lodge or council chamber of the Sioux, Sitting Bull was feared as much, almost, as among the lonely cabins of the frontiersmen. When a chief differed with him, Bull would stride over to where he sat and brain him at a blow. Nobody dared to punish him for this.

Indian magic finds its most startling survival and most horrible illustration in the snake dance of the Moqui of Arizona. This ceremonial occurs once in two years, although it has long been under the ban of the government, and it is still, or has been within a year or two, observed with all the awful features which for a half century have made it famous in the Rocky Mountains. The very abuse which has been showered upon the Moqui for the exercise of their own religious rites and the gratification of those impulses which they hold to be the highest and holiest, whether they so seem to us or not, is itself strikingly suggestive of our inability to understand Indian medicine. It was in the village of Walpi in Northern Arizona that my informant saw the snake dance and gave me a description so grotesque as rather to dissuade me from my intention of making the journey to see it with my own eyes. Upon the top of a lofty butte which rises to a height of five hundred feet from the plains are the houses of the Moqui, built of stone and giving the entire structure the appearance of a natural castle. One hundred and thirty members of the band are chosen biennially to pay to the Great Spirit the devotion which the Moqui believe finds its most appropriate expression in a carnival of

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serpents. For four days before the dance itself the Moqui had scattered over the mesas, each armed with a forked wooden rod and two eagle feathers. The entire face of the country seemed to be covered with rattlesnakes, for it is a frontier superstition that the snakes enjoy the dance quite as much as the Indians do, and whenever the Indian found one he bewitched him by a slow harmonic movement of the eagle feathers, acquiring at once over the serpent an influence which enabled him to bag it in short order. From what I have seen of the snake charmers of India I am convinced that the Moqui must practise upon the susceptibilities of their charming pets by the aid of music, since although a snake has no ears, it is always susceptible through the muscles of the throat to musical sounds, however low and grotesque, so long as they are harmonious. It may be by some contrivance carried in his mouth that the Moqui elicit these sounds, or they may resort to the device of the fetish priests in Congo land who pretend to develop from an antelope's horn their so-called magical music, which is in reality produced by a perforated bean concealed in the nostril of the magician and through which he has taught himself to blow musically.

Hundreds of rattlesnakes were secured by the Moqui, and were placed in a great basket at the gateway of the village, and covered by a buffalo hide. On the morning of August 18, for that is the date for the festival, the hundred and thirty chosen warriors marched to a platform of loose boards over which the squaws had strewn sacred meal. These Indian women wore white mantles, and had their long black hair done up in enormous cart wheels. The braves each wore a tunic reaching midway on the thigh, moccasins upon the feet, and upon the naked calf of the right leg of each one the shell of a terrapin in which were confined small pebbles which rattled as the warrior moved and made of him, to the ear at least, a human rattlesnake. Around each one's brow was bound a white handkerchief, the upper part of the forehead being painted a deep black and the lower half black and white in alternate bands. After they had marched over the sacred meal, they arranged themselves in a double column facing the plain. A gigantic attendant whose face was completely hidden by his handkerchief, and whose body was hideously painted, stood at the snake cage and as each pair of braves marched past him thrust his naked arm into the cage, and jerked from it a writhing serpent

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which he handed to the buck. The snake dancer, reaching forward his hideously marked visage, seized the snake by its middle in his teeth. The serpent struggled wildly and his human captor, gesticulating with both hands, joined at once in the solemn rhythmic movement in which after each had been supplied with his own particular rattlesnake the entire hundred and thirty were soon gyrating.

Upon the cliffs around them the entire Moqui nation was seated, dumb with religious awe. No sound came from that grim audience. Nor was there aught to break the horrible stillness of the place except the hissing of the serpents and the rattling of the pebbles in the shells upon the warriors' legs. The snakes themselves, although animated to the utmost with venomous life, neither struck at the men nor rattled their own tails. When once in the course of the dance a rattler sunk his fangs into the cheek of the brave next to the one who held the serpent in his teeth, he was calmly pulled away as if nothing had happened, and the brave who had been bitten continued, with perfect equanimity, his fanatic dance. At the end of some thirty minutes the snakes were thrown in a writhing mass upon the earth and sprinkled with sacred meal. The dancers divided themselves into four squads, and at a given signal each squad rushed upon the mass of serpents, each warrior grasped as many of them as he could in his two hands and bounded away at top speed, one band to the south, one to the north, one to the east, and one to the west, until they had raced a half mile over the prairie. The snakes were then turned loose, and the dancers returned, running their utmost to the butte, and, climbing up its steep sides, disappeared, one after another, in the cavernous depths of the estufa, or great stone chamber, about which cluster the traditions of the Aztecs, and a magnificent example of which is to be found at Pecos, in New Mexico.

Now if this power of the Moqui Indians to make companions of venomous rattlesnakes, to toss them about at will and to join with them in the mad whirl of a dance the like of which is not to be found elsewhere in the world, is not magic, what is it? The guiding principle of my life has been an absolute refusal to believe in supernatural methods or results. The marvels which the high caste Indian fakirs achieve, and have achieved under my very eyes, with apparent disregard of all the known laws of matter, have not served to change my creed. The occult is not

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necessarily supernatural. The objection that the Moqui Indians do not expose themselves to the poison fangs of the rattlesnakes, but that the rear back fang which in reality is the only communication between the poison bag and the jaws of the serpent, has been secretly removed, does not, I think, stand the test of examination. It is the universal testimony of the white men who have seen the Moqui snake dance that the reptiles selected for it are gathered at random on the prairie and utilized strictly in a state of nature.

It is hopeless to expect a Moqui to reveal his tribal secret, for the oath which every Indian warrior takes on his initiation into the warpath secret binds him by his gun, his pipe, his knife, the earth and the sun to reveal none of his medicine. The medicine lodge of old was built in the first moon of each May, and before the lodge poles were raised the medicine men of the tribe selected a medicine chief who was to lead the fighting men to battle during the ensuing year. This chief was bound with thongs to the top of a lodge pole forty feet tall and upon his shoulders were fastened in like manner a pair of wings from a freshly killed eagle. The medicine men then took hold of the butt end of the lodge pole as if to raise it to its position and the brave with it, but if the medicine of the latter was to be good and powerful, his eagle wings did most of the lifting and he and the pole floated gracefully up into the air until the great spar was in a perpendicular position. The other poles were then set up and the great medicine lodge or council chamber was complete. Rather than violate one of its secrets, a Moqui, or any other real Indian, would cheerfully hack off every one of his ten fingers.

There has been a tradition that the medicine men of the once famous Pawnee tribe were peculiarly gifted. That this is anything more than a tradition I do not believe, for at a time when the Sioux and Cheyennes, Crows and Blackfeet in the north, and the Comanches, Apaches and Navahoes in the south, were the most famous of the aborigines, and showed, as they still show, the most powerfully developed types, the horse-stealing Pawnees who lived along the valleys of the Platte and the Arkansas, whose hand was against every man and whose treaties were only made to be broken, had already begun to dwindle into that insignificance in which we find them to-day in their transplanted home in the Indian Territory. James Beckwourth, the famous

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scout, who became a war chief under the name of Medicine Calf among the Crows, has related to a friend an extraordinary feat of levitation which a great war chief of the Crow Indians performed in his presence on the eve of leading his warriors to battle. The chief was an aged man and professed to have a premonition of death. For many moons he had led the Crows successfully against their hereditary foes, the Blackfeet. It was not his heart that failed him now, but his medicine had lost its potency. In the dusk of the gray morning he led his braves out on an open prairie, and, setting his shield on edge some fifteen or twenty feet in front of them, pointed to it with his lance. As the eyes of the fighting men rested upon the embossed surface of the buckler it appeared to rise slowly from the ground until it reached a height corresponding to the head of the chief; it then, by the same invisible means, passed through the air until it obscured his face and hid it from his warriors. A thrill of horror pervaded the assemblage, but no word was spoken. It was taken as an emblem of his approaching eclipse, his banishment from this world, his journey to the land of the Great Spirit, to which all Indians, good and bad alike, went with unhesitating faith. The great chief was killed that morning. On the robe of a famous Pawnee medicine man I have seen drawn in outline his warlike exploits with the allegorical figures of the animal or bird which was medicine to him, such as the bear, for example, and those phases of the sun and moon to which the medicine man attached such importance.

Prior to the inception of any great enterprise, such as an expedition of war, a great hunt, or the like, the medicine men of a band of Indians invariably "made medicine" for several days. They sang a monotonous chant during this time, beating their medicine drums and dancing as with muscles of iron. On one occasion, to avert the wrath of the Great Spirit, a great Crow chief had the brass medicine kettle of his tribe brought out and placed in full view of the assembled village. It held ten gallons and was as bright as the sun. Into it each brave threw his most cherished possession, and three Indian maidens then carried it to the river and threw it in. This was a sacrifice like that of the Roman Curtius, to save the commonwealth.

One of the most general of all the customs of the aborigines was that of the medicine bag which each brave carried on his

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person from the time he became a fighting man nntil his death. Without it he could succeed in nothing he undertook. To lose it in battle unless he lost his life as well, or captured the medicine bag of another brave, was a disgrace fully equal to that of the Roman who lost his shield. On approaching the age of puberty the Indian boy retired to a solitary spot, where for several days he lay on the ground without nourishment, praying to the Great Spirit. When at last he slept the sleep of exhaustion, his mind was still intent upon that image of his dreams which was to indicate to him his medicine. Whatever bird or animal first appeared to him in his slumber he at once set out to hunt down on his awakening. He took its skin, whether bird, reptile or beast, stuffed it with moss, ornamented it elaborately, and thenceforth it was dearer to him than life. As a rule, the medicine bag was, of course, the skin of some bird or smaller animal, but a great chief has been known to use an entire wolf's skin.

There is, however, a curious absence of the supernatural in Indian life. A brave never saw the spirit of his deceased brother. There were no ghosts in the Indian country. There was one Great Spirit who ruled the world and was worshipped by all red men of all tribes. The medicine men were the priests or only mediums of communication with the Great Spirit. There were no images or idols to which the warrior paid his devotions either specific or symbolic. When he died he went straight to the Happy Hunting Grounds, not his spirit, but he himself, and his warhorse was killed to accompany him, just as his most beautiful buckskin clothes, his finest bow and arrows and lance and his most cherished possessions were either buried with him or broken upon his tomb. The red man's magic after all is pervaded by a spirit of deep devotion which admits of no trifling, depends upon no charlatanism and is born in him whether he be Sioux, Cheyenne, Apache, or Navahoe, along with that spirit of indomitable bravery and of stoical fortitude which none may know but to admire.

H. KELLAR.

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POOL ROOMS AND POOL SELLING.

BY ANTHONY COMSTOCK, SECRETARY OF THE NEW YORK SOCIETY FOR THE SUPPRESSION OF VICE.

GAMING in any and every shape strikes at the root of industrious habits. The horse, the noblest animal created for man's use, is to-day made to do the dirty work of professional gamblers. Under the specious plea of "improving the breed of horses" a feeble majority in the legislature of New York in 1887, and a still more feeble majority in the legislature of New Jersey in 1893, bargained away the protection of public morals; suspended or repealed righteous statutes against gambling on horse-racing; ignored the rights of law-abiding citizens; overthrew the wholesome principles at common law against the keeping of a "common gambling house," and made a conscienceless bid for crimes and disorders by selling out these two great commonwealths to the gambling fraternity.

A more reckless disregard for public peace, order and morals cannot be found in the history of these two States. It seems incredible that a set of law-defying criminals, such as for years have thronged the race-courses and manned the pool-rooms, could by their money or influence have secured enough traitors to the highest interests of these two States to enact laws in the gamblers' interests, especially when abundant evidence existed of the demoralizing influence of their lawlessness.

A brief review of the restraints of common law and statutory laws, and the wholesome decisions of the higher courts in England and this country, will show plainly the safeguards to the best interests of the community that have been ruthlessly broken down by the "gamblers' own" legislators.

Statesmanship, patriotism, regard for morals, religion and fair dealing, all are lacking in the enactments which allow public

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gambling-houses. These statutes legalize what for centuries have been regarded as "public nuisances."

The English courts for centuries have held that:

"A common-gambling house, kept for lucre or gain, is a common nuisance, as it tends to draw together idle and evil disposed persons, to corrupt their morals and ruin their fortunes."

These courts, and also several reported American decisions, have held pool-selling to be a lottery. French or *mutuel* pools are lotteries pure and simple. They therefore come under the now almost universal condemnation of lotteries. The English Parliament in 1699 passed an act declaring lotteries a common and public nuisance, making all lottery grants void, and punishing the managers thereof as "common rogues." A body of ministers in Boston the same year adopted resolutions declaring lotteries public nuisances and their managers pillagers of the people.

The Supreme Court of the United States, in a recent decision, declared:

"That lotteries are demoralizing in their effects, no matter how carefully regulated, cannot in the opinion of this court be doubted. The lottery . . . preys upon the hard earnings of the poor and it plunders the ignorant and simple." (*Stone vs. State of Miss.* 11 *Otto*, 818.)

On March 26, 1887, one Mitchell, a former clerk of the notorious Brighton Beach Association formerly of Brighton Beach, N. Y., testified under oath before the Bacon Legislative Investigating Committee in Brooklyn that at eight booths where French or *mutuel* pools were sold on the Brighton course they received as much as $80,000 during a single afternoon. In 1884 that association had over a hundred and twenty-five days of improving the breed of horses by this demoralizing process.

A fundamental principle of all good government, universally recognized, is violated by gambling in any form, to wit:

"The presumption of law is that every man has acquired his property honestly; and it is the policy of every well-regulated government that he shall not be deprived of it without a fair equivalent. This is particularly the case in republics, where all should be independent in the means of subsistence." (*State vs. Smith & Lane*, 2 *Yet* (*Tenn.*), *Reports.*)

In the case last cited, Judge Catron, formerly of the Supreme Court of the United States, lashes the gambling scourge with an unsparing hand. He says:

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"Gaming is a general evil, leads to vicious inclinations, destruction of morals, abandonment of industry and honest employments, a loss of self-control and respect. Frauds, forgeries, thefts, make up the black catalogue of crime, the closing scene of which generally ends in highway robbery or murder. The American and European journals are full of cases of the most distressing nature of bankers, merchants, clerks of banking institutions, men in almost every department of trust, public and private, becoming bankrupts and thieves, to the ruin of themselves and others. Look for the source of their misfortune; you find it is lotteries, loo, faro, thimble, dice, and the like."

This is in every whit true of pool-selling and book-making.

Common law prevailed in New York State until 1815, when the legislature enacted a statute forbidding the act of betting or wagers upon future events. The New York Court of Appeals, in 1848, said:

"The evident intention of the legislature was to discourage and repress gambling in all its forms, including bets and wagers and every species of wager contracts of hazard, as a great public mischief calling for effective measures of prevention and remedy. (*Ruchman vs. Pitcher*, 1 *N. Y.*, 450.)

The Revised Statutes of 1830 struck a blow at betting and gaming, by allowing the loser of a bet to sue for and recover back his stake or money deposited with the stake-holder, and this, too, whether the money had been paid over to the winner or not. The Revised Statutes of 1877 added amendments, prohibiting the use or keeping of a room with apparatus or paraphernalia for the purposes of recording bets or wagers. Still more stringent provisions were added in 1880 when the laws were codified. Section 351 of the Penal Code embraces all of previous legislation upon the subject, and prohibits all betting, the selling of pools and recording or registering the same, or becoming custodian, for hire or reward, of money bet.

An unbroken chain of decisions by the Supreme Court and Court of Appeals, since 1848, has defined and construed these laws in the interest of public morals, peace and order. In 1882 Thomas Murphy sought by an injunction to restrain the Board of Police in New York city from raiding certain book-makers who were violating the law at a walking match in Madison Square Garden. Judge Lawrence, of the Supreme Court, in denying the motion, defined "apparatus" and "paraphernalia" to wit.:

"The tables, books, boxes, and blackboards may fairly be classed as "apparatus" and "paraphernalia," and the "books" as books for the purpose of recording or registering bets or wagers."

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He cited with approval from a decision of Judge McAdam, rendered the same year, defining "book-making" as follows:

"Book-making is only another name for gambling, and all contracts made in furtherance of bets and wagers are illegal and void, and no recovery could be had upon them in a court of justice."

In the same year the Jerome Park Company also sought to restrain the police of New York by the same method, to prevent the arrest of book-makers and pool-sellers at Jerome Park race-course. Again in this case the Supreme Court clearly defined book-making as

"Merely the making of a memorandum upon his own book or paper, by any person, of his own bet or wagers upon any issue or event then unknown or undecided. It is simply an aid to the memory of a transaction or transactions theretofore made by the individual who makes the memorandum."

Then the Court turned a search-light upon the intent of the legislature by saying:

"The evident intent of the legislature by the passage of the Act of 1877 was to suppress such unlawful business or occupation, if possible, and for that purpose they used the most general and comprehensive terms, so that its provisions could not be escaped, even if new plans or devices were resorted to in order to avoid the legislative enactments. They mention, therefore, the means then used by persons following the unlawful business, and prohibit the use of such means; and then go on and in the most general and positive language prohibit the doing of the one thing which is necessary to be done in order to carry on the business of gambling in any form, viz., the recording or registering of bets and wagers."

As to the intent of the legislature, the Court said:

"The legislature, it may well be argued, had in view the fact that bets and wagers to any extent could not be made unless a record was kept in some way or another, and, as they intended to suppress gambling in any and every form, they prohibited the making of the record as the most ready way of reaching the evil."

"The whole course of legislation shows that betting and gambling are looked upon with disfavor, and that the legislature has endeavored to prevent them in every way possible, undoubtedly believing that their suppression would result in benefit to the people at large."

The injunction was denied.

In 1885 the General Term of the Supreme Court at Poughkeepsie passed npon eleven cases of boss gamblers coming on appeal from the Sessions Court of Brooklyn, Kings County. The Court said:

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"Section 351 of the Penal Code makes either of three things criminal '1. If a person keep or occupy a place, with the requisite things to record bets,' or '2. If a person, in fact, do record bets,' or '3. If an owner or occupant of premises knowingly permit the same to be used for these purposes.' Such acts were made misdemeanors."

Such were the comprehensive laws and decisions, such the lofty and wholesome principles, governing in the courts down to 1887 in the State of New York.

At that time a horde of nearly one hundred boss gamblers, with their touts, flocked from one race-track to another, violating the laws. For years prior to 1887 they had trampled these laws under foot, defied the decisions of the Court and ignored the common-law principles against the maintaining of a public nuisance, to wit: a common gambling house. Public morals were scoffed at. Wherever these gamblers went, the local politician and official were subservient to their nod.

In New York County, at the Jerome Park race-track, boss gamblers and their touts openly sold pools and recorded bets and wagers, and publicly displayed the paraphernalia prohibited by law from being kept or used for the recording of bets or selling of pools. Two of the leading gamblers and several of their associates were brought into the Court of Special Sessions, on complaint of the agents of the New York Society for the Suppression of Vice, and convicted. The Court condoned their offence with a fine of $25 each. These convicted boss gamblers paid their paltry fines, went over to the Coney Island Jockey race-course in Brooklyn and the same day openly and flagrantly violated the same laws in Kings County. Evidence was secured against them, and they and their associates were indicted by the Grand Jury in Kings County, upon complaints of the agents of the New York Society for the Suppression of Vice. Some one notified these men that indictments had been found against them, and the next morning, before the time for the opening of the races (so as not to interfere with their system of "improving the breed of horses"), they appeared and gave bail. After giving bail they went back to their places on the race-track and openly violated the law the same afternoon, and were again indicted.

The Grand Jury which indicted these gamblers, who were thus openly violating the law at Gravesend, also indicted some of the authorities. Some of these convicted and indicted gamblers then

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went to Queens County, there entrenched themselves opposite the Long Island City Ferry, and for weeks defied law and public sentiment. It was only when Judge Jasper Gilbert, then of the Supreme Court of New York State, consented to issue his warrants as a committing magistrate, that we were able to dislodge these men. The Grand Jury that indicted the gamblers also indicted several officials for interfering with us in the execution of these warrants.

Again, at Saratoga, year after year gamblers openly arrayed themselves against the laws and decisions of the Courts of this State,—and among those whom we arrested there were three peace officers of the county, who, with their badges concealed under their coats, were selling "pools" in violation of law.

Such was the lawless condition of affairs in New York State in 1887. A legislative committee, of which Colonel Bacon, of Brooklyn, was chairman, had reported, impeaching the officials of Kings County for non-enforcement of these laws, and the legislature had approved their report. The same legislature afterwards, by a vote of but two to spare in the Assembly, and just enough votes to carry it in the Senate, suspended Section 351 of the Penal Code, and the provisions of Common Law, in the interest of indicted and convicted gamblers, by enacting the infamous Ives Pool bill.

Crimes and disorders have continued to increase from that time down to the present, growing out of the licensing of these crime-breeders. But stranger than all these is the fact that in the face of history and the increase of rascality, dishonesty, and crime, there were members enough in the last legislature of the State of New Jersey to override the rights of the people and foist the whole gambling curse upon that State. Three bills, known as Assembly bills Nos. 299, 300 and 301, annulled all laws, both common and statutory, prohibited the indicting of these common gambling-houses as disorderly houses or common nuisances, and rendered nugatory all former decisions of the courts. A brief analysis of these iniquitous measures will show the public the outrage of this kind of guerilla legislation.

Under Act 299 any race-track existing at time of its enactment, or which had existed in the past (all of which existed unlawfully), may procure a license for five years, either from a County Board of Chosen Freeholders, or the Common Council or

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Board of Aldermen of a city, or the Township Committee of any town. The County Board of Chosen Freeholders, the largest and highest legislative body in the county, may, by a unanimous vote, refuse a license. The race-track then may go to the Township Committee, the smallest and lowest legislative body in a county, composed of three members, and by securing two votes out of the three obtain a license for five years, despite the unanimous refusal of the highest body to the contrary.

If, however, honest taxpayers desire to start a race-course to be run without gambling, to counteract existing evils, this new organization is debarred from going to either the Township Committee, the Common Council or Board of Aldermen, and securing a license by a majority vote as in the first case. On the contrary, they require a *three-fourths vote of the entire Board* of County Freeholders to a resolution setting forth the fact that "the existence of the proposed track is a public necessity."

Section 300 prohibits gambling, except upon tracks where racing actually takes place, and upon the races run upon the tracks where the betting is done. For instance, Monmouth Park usually has ten days' racing in the summer. During those ten days, under Act 300, they are permitted to make books upon their own races, and are forbidden to make them upon any other race or upon any other day than the ten days.

Under Act 301, however, any racing association may themselves, or may allow others to, gamble and sell pools upon any other race run in the United States, and the only penalty which they shall be subject to is "not to exceed $20 fine for each offence." The miserable subterfuge of a fine of $20 per day is apparent when we consider that each gambling booth (and there are usually from seventy to one hundred at each track) pays ground rent of $100 per afternoon, for the privilege of robbing the people.

The act then provides that they shall not "be deemed guilty of maintaining a disorderly house, or maintaining a nuisance, or of conspiracy or of any criminal offence." Section 2 provides that "all parts of the act to which this is supplement, and all laws and parts of laws, both statutory and common, inconsistent with the provisions of this statute, are hereby repealed."

Book-making and pool-selling, allowed by Acts 300 and 301, were formerly indictable either under the Crimes Act, the Lot-

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tery Acts, or under the common law in New Jersey, either as (1) a nuisance; (2) a disorderly house; (3) a misdemeanor; (4) a conspiracy.

The sweeping repeal clause attached to both these acts, saying "All laws and parts of laws, both statutory and common," shows the manifest intention of these legislative brigands to utterly destroy all the statutory and common law bulwarks against these evil practices. There were eleven members of the Senate and thirty-three in the Assembly who have the distinction of thus delivering over the State of New Jersey to professional gamblers.

Note the tactics employed to pass these iniquitous measures: These bills were introduced Monday evening, February 20, 1893, in the Assembly. By some mysterious process they were printed, referred to Committee, reported, given a second and third reading, and passed the next morning, Tuesday, February 21. The Senate accommodatingly sat upon a legal holiday (Washington's Birthday), Wednesday, February 22, and passed the bills by similar tactics.

The Rev. Dr. Kempshall, President of the Law and Order League, and others, determined to have a hearing against these bills and personally appealed to Governor Werts to give them a hearing; praying if he vetoed the bills he would delay his veto over a Sunday and give decent people an opportunity to rally. Instead, the Governor is said to have taken these three bills with him that afternoon to Lakewood, and, strange as it may seem, the next morning finds him sending to the Assembly three vetoes duly engrossed, signed, sealed and tied up with the usual red tape. Why such haste?

These bills had to remain over one session before action in each house. On Thursday, February 23, the Governor sent them back with his vetoes, on Friday the Assembly went through the form of over-riding these vetoes, and the following morning, Saturday, February 25, the Senate completed the outrage, and New Jersey lay bleeding, mangled, stripped of legal defence against the gambling ghouls. Such is statesmanship in New Jersey. Such, alas! is the potent power of the gambling fraternity over modern politicians. Such an exhibition of ignorance, folly and shame it is seldom the lot of a historian to record.

Each member of the New Jersey Legislature who voted to

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snub the people and pass these infamous bills should be presented with an emblem for services in a vicious cause.

Such legislation is a conspiracy against the morals of the State. It legislates away the rights of the people to defend themselves against the temptations, demoralization and degradation of the crime-breeders of the day. It legalizes unhinging of common honesty, undermining of industrious habits, legalizes what common law for centuries has called a public nuisance and against good morals; and permits the keen-eyed, skilled and unscrupulous gamester to set up in public places, in the midst of thoughtless pleasure seekers, the schemes by which fortunes are diverted from the rightful owners to the pockets of sharp tricksters without that just and fair equivalent demanded by law, and which is a fundamental principle in all good government.

Such legislation is equivalent to staving in the sides of a vessel while at sea. Will not the people take warning?

While the attention of the country was concentrated upon this outrage in New Jersey, the New York Society for the Suppression of Vice in New York stole a march upon the enemy and prepared a stringent measure to close all pool-rooms in that State. This act makes it a felony to keep such places, with a penalty of not less than a year or not more than five years for each offence, and does away with the evasions of laws and the adverse decisions of the Court of Appeals of New York. On March 8, 1893, this bill was introduced in the Senate by the Hon. Charles T. Saxton, and in the Assembly by the Hon. W. C. Prescott, and under their valuable supervision it passed the Senate by a vote of 22 to 2, and the Assembly by a vote of 112 to 7, and on April 25 received Governor Flower's signature, and is now law.

The Connecticut Legislature, by a minority vote of one in the Senate and two in the House of Representatives, has since enacted a similar bill.

New York has thus started back in the right direction. Already the pool-rooms in the large cities have closed their doors. Poor New Jersey is obliged to open her arms to receive the criminal occupants of these rooms, who are thus vomited forth under the action of the law's emetic.

Let a righteous, self respecting and patriotic people, without regard to party, ostracize and brand as traitors those who have

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sacrificed public morals, peace, order and future welfare to gambling politicians and gambling bosses. Let no mawkish sentiment condone this treasonable capitulation to the dishonest and lawless class.

The lesson to be gathered from the faithful history of pool gambling given herein, establishes certain facts which patriots should consider:

First, Wherever gambling (or other money-making vice) has a foothold, it seeks to entrench and perpetuate itself by dishonest and unlawful methods.

Second, Wherever it exists it is a foe to the best interests of society.

Third, In perpetuating itself, it paralyzes law and justice, mocks at fair dealing, tramples under foot the rights of law-abiding citizens, bribes officials, and liberally contributes to that party which shall bend the neck to its golden heel.

Fourth, Gambling is a crime-breeder in whose wake other crimes follow. Thefts, embezzlements, defalcations, robberies, breaches of trust, wrecked homes, heartbroken women and beggared children are its direct results.

It is a business that requires the abrogation of laws which protect public morals. The voice of the people is not allowed to be heard. It enters the primary, the canvass before election, and the election with purses filled with ill-gotten gains opened to tempt men to sell their votes. It buys candidates to pledge themselves to a disgraceful course before election, and then enters the halls of the legislature with a corruption fund. The elective franchise is the veriest subterfuge when men, whom the people elect to represent them, are elected with a secret pledge to some gambling sharper, or with a fixed purpose to secretly sell themselves for gain to some schemer who has a plot against the highest interest of the State, to be consummated by means of blood-money.

There is no representation by the people, or for the people, when those chosen to represent them sell themselves for money or influence to the highest bidder. To bargain away public morals is to stab the State in its most vital parts.

ANTHONY COMSTOCK.

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SOCIAL RELATIONS OF THE INSANE.

BY DR. HENRY SMITH WILLIAMS.

FOREMOST among the privileges which civilization has taught us to regard as inalienable is the right of personal liberty. Garfield put the essence of this feeling tersely when he said that every man should have the greatest amount of liberty consistent with a like liberty of every other man. All our strivings are, in the last analysis, struggles for a greater degree of personal freedom of action. Laws are considered just only when they give to every citizen an equal opportunity to increase his personal power. Indeed, the province of law is to insure this degree of liberty to every citizen, and just laws do not interfere with any individual so long as he respects this cardinal principle. If a person, through lack of altruism, violates this principle in little things, he is called a boor and is socially ostracized; if in greater things, he is said to be a criminal, and the law forces upon him that restraint which he would not willingly exercise.

There is one class, however, whose excesses of egotism are commonly excused as far as possible, or dealt with very leniently. I mean the insane. Reacting from the customs of our ancestors not very remote, whose treatment of the insane was simply brutal, we to-day go far towards the other extreme, treating this unfortunate class with a degree of consideration that sometimes seems to verge on excess of altruism. It is true the insane are often restrained of their liberty, but this is almost never done until the afflicted individual has so flagrantly violated the cardinal principle of equal personal rights that his conduct can by no possibility be further tolerated. Let no one suppose that an insane person is commonly sent to an asylum because of his insanity *per se*. Mere mental perversion would be but little, if at all, noticed by the law so long as it stopped at that. Suppose a man to think

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himself inspired. Suppose he is everywhere guided by a star that points out to him his way of life. Suppose angel voices whisper incessantly in his ear, directing his every action. That man is insane. But if meanwhile he goes quietly about his business in an ordinary way, showing no anomalies of speech or action, there is not the slightest probability that he will be in any way interfered with by the law.

I desire to especially emphasize this fact. The only exception to it is when action may be taken in an anticipatory way—an expert acting on his knowledge of similar cases, and, as it were, nipping matters in the bud, perhaps saving the insane person the commission of some crime towards which his disease was driving him. But such early action is very unusual, and for ordinary cases what has just been said holds good: an insane person is not restrained of his liberty simply because he is insane, but, if at all, because of the actions that grow out of his insanity. There are, in the aggregate, a vast number of insane persons in the community who are never confined in asylums because their disease does not lead them to commit acts that interfere seriously with the liberties of those about them. An insane person may even act very grotesquely indeed, and say very absurd things without seeming to menace others or himself. He will not usually be restrained.

But in the great majority of cases, so closely are actions wedded to ideas, it will come to pass that the man who has insane conceptions will act upon them in ways that cannot be overlooked. His star is pretty certain to lead him, sooner or later, across the pathway of some other mortal. His angel messengers will suggest to him rights that his fellow mortals cannot recognize. Acting upon these messages he becomes a discordant element in the social organism. Then and not till then does the law take cognizance of him as one whose personal liberties must be curtailed for the general good.

The specific acts by which the insane man interferes with his fellows vary widely within the range of human action. He may merely glance suspiciously at those about him, or he may dash madly along the street firing a revolver at random. Whatever his actions may be within these extremes, he is tolerably certain to make himself very disagreeable to those about him; for, sooner or later, in most cases of insanity an intense egoism comes to

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the surface and directs the actions of the patient unrestrained. Usually perversions of conduct are first manifested at home. Those nearest and dearest to the patient are the first to feel the infringement on their rights and privileges. But these are, of course, the ones who would least resent such interference. Often for months or years a family will put up with the outrageous conduct of one of their number uncomplainingly, while the outside world does not suspect that anything is wrong. This is done partly through affection, partly because of the feeling that a case of insanity is in some sense a disgrace to the family.

Sometimes the conduct of the insane person becomes so unbearable that his friends complain at last; sometimes the complaint comes from associates outside the family. In the latter case, the relatives will not usually be wiling to admit at first that the patient is insane. Indeed, they often fail to recognize that such is the case even when they have long been the victims of his bizarre actions. But when at last blindness to the true state of affairs is no longer possible, and it is understood that the patient must be restrained, it should never be forgotten that the law prescribes certain definite procedures that are necessary before his sacred right of personal liberty can be curtailed. It is no light matter, and may not be undertaken by any single individual. One may not legally turn the key on his own wife, brother or father, be they never so insane, except long enough to protect them or others while an officer of the law is summoned. This fact should be everywhere understood. Many persons suppose that because a man is palpably insane he has forfeited his rights. Not at all. However insane he may be, his right of personal liberty of action can be taken from him only by due process of law. The exact details of this process vary in different countries and even in different States. The essence of it, under the best systems, is the concurrence of medical and legal opinions. At least two physicians qualified as alienists are usually required to certify under oath that they consider the patient insane, stating their reasons for such opinion. In New York the approval of a judge of a court of record must also be secured. All manner of safeguards, cumbersome but necessary, are thrown about the patient. It is no trivial thing to take away the liberty of a human being.

The legal preliminaries having been complied with, and the

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necessary commitment papers to an asylum secured, another serious problem confronts the friends of the patient. How shall the insane person be persuaded to go to the asylum? Here usually a great mistake is made. The friends, almost distracted and not knowing what is best, usually decoy the patient with a falsehood. Now, waiving the point that the truth is something intrinsic and hence not to be perverted at will because the hearer chances to be incompetent, there are practical reasons why it is unwise to deceive the patient. Chief among these is the fact that by so doing you lose his confidence. Ever after when you promise him anything he is likely to recall this deception and reply: "How can I trust you, who once deceived me?" And such an attitude very much embarasses the relations between the patient and his protectors. Hence the asylum physician makes it a point never to deceive a patient nor allow him to be deceived. He may at his discretion decline to answer a question; but such replies as he does give are expressions of the absolute truth—though not of course necessarily of the whole truth. Experience demonstrates that this is best here, just as everywhere else it has demonstrated that expediency and honesty coincide in the long run.

What the friends of an insane patient should do, then, is to tell him where he is going. If they cannot persuade him to go quietly, let them call an officer. This seems a harsh expedient, but it is best in the end. Most generally the patient, even though very markedly insane, will recognize the majesty of the law as evidenced in its uniformed representative, and will do nothing more than to protest against accompanying him. Indeed, even without an officer, it is surprising how many patients can be persuaded to go quietly to the asylum even while protesting against doing so. In a very large percentage of cases the patient comes so quietly and is, to casual observation, so sane-seeming that even an experienced asylum physician cannot, at a glance, distinguish him from his sane associates. Not infrequently, in attempting to do so, he makes a mistake and selects one of the sane friends, to the amusement of the patient himself, who uses this mistake as a further argument in proof of his own sanity. Of course, this does not apply to all cases. Some are palpably enough insane, as, for example, the despondent melancholiac, or the excited maniac. But not one patient in a hundred presents, on admission to an asylum, the picture of frenzy which stands in

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the popular mind as the exposition of "madness." Now and again one does see such a case, it is true—rolling eyes, gnashing teeth, incoherent raving and all—but they are rare indeed. Not often is a patient even so much disturbed as to make any physical restraint necessary in bringing him to the asylum.

Once received into the asylum the patient is classified according to his condition. Exactly the same fundamental principle prevails here that governs conduct in the outside world, an asylum being, indeed, but a modified lesser commonwealth. The patient is allowed the greatest amount of liberty consistent with the rights of others. If he is noisily loquacious or actively maniacal, it would be manifestly unjust to place him among quiet, sane-appearing gentlemen. He would turn their orderly, peaceful ward into pandemonium. He must, in justice to others, be placed in a "disturbed" ward, among patients like himself. But as soon as he becomes quieter and at all able to appreciate the rights of others, he is removed to a ward where greater liberties can be given to him. The prime motive of asylum treatment is to educate the patient back to such a condition of self-restraint and appreciation of the rights of others as will enable him to return to the ordinary environment for which his disease unfitted him. In pursuance of this idea the wards of modern asylums are made as much as may be like ordinary dwellings, and a patient's returning capacity for self-restraint is tested and fostered by removal to better and better wards as convalescence advances.

In favorable cases the time at last comes when the patient is either altogether well or so greatly improved that he can safely be given a trial outside. However long he may have remained in the asylum, the mere fact of such residence does not deprive him of any legal right after his discharge. If no step beyond mere commitment to the asylum has been taken, the patient on leaving the asylum returns to full citizenship. He may still be insane, but in the eye of the law it will be assumed that he is sane unless some further step is taken to prove the contrary. Hence any contracts he may make will hold good, or be the subject of future litigation. If his business relations make it desirable that he shall be officially declared incompetent, whether he is in an asylum or not, it is necessary to hold proceedings before a jury *de lunatico inquirendo*. If here declared insane and incompetent, a guardian, variously named in different States, will be appointed

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and the patient will become as a child in the eye of the law, having thenceforth no legal rights except by proxy.

This step is usually postponed as long as possible, while there is any prospect of the patient's recovery. If no great property is involved it often happens that the patient is never declared a "legal lunatic" at all, even though chronically and incurably insane. So it happens that there are many insane persons in the community whose position in the social scale is rather ambiguous. They are actually, but not "legally" insane, and the community in which they live, having adjusted itself to their vagaries, charitably passes them by as "peculiar," and leaves them unmolested. Unfortunately they do not always reciprocate in kind. Indeed it is quite the rule for them to get into difficulties, and not infrequently they commit crimes that bring them prominently before the public in the courts. The "harmless lunatic," outside an asylum, occupies a position strictly analogous to that of the historic "unloaded" pistol. Each is, I think, responsible for about the same number of homicides. But the harmless weapon stops at that, while the harmless man easily takes the palm by adding a long list of other crimes. For most of these crimes the community can thank itself, because it foolishly toleraied in its midst a person whose only safe place of residence was an asylum. But one should not judge too harshly these excesses of altruism. We should remember rather that the extreme tolerance shown these unfortunates who frequent the border lands of sanity is but a manifestation of that love of liberty which has made possible the civilization in which we live. The ages which cast their paranoiacs into dungeons or executed them for witchcraft did not foster the spirit of liberty. Still one may, as I have intimated, go to the other extreme, and the lesson taught the community from time to time by "harmless lunatics," who shoot their fellow citizens, explode bombs among them and the like, is wholesome and necessary, even though severe.

A single bomb exploded in New York not many months ago resulted indirectly in the confinement of a great number of insane persons who would otherwise before this have committed a long category of crimes. The lesson cost a life, it is true, but quite possibly it saved a score of lives. The community was made to realize vividly, what every alienist knew, that the first untoward act by which the supposed harmless insane person manifested

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his true condition might be an irreparable crime. The lesson had been taught often enough before. Within a decade it had been emphasized by the murder of a Chief Executive of our country; but memory is fleeting, and its permanent records come only with many repetitions. Another year, and, it may safely be predicted, the New York juror will have forgotten the Norcross incident, and *habeas corpus* suits for removing "sane" persons from asylums will flourish again as of yore. A community which has witnessed without special comment the organization of a society for the prevention of the "incarceration of sane persons in asylums" in a day and age when no such atrocity as that implied is dreamed of or could be practised, does not yet bask very fully in the light of knowledge. It is in need of yet other lessons. Indeed, it almost seems as if no lesson would permanently suffice, and as if the "harmless lunatic" would pass, with the "unloaded" pistol into the category of things perennial.

In extenuation of the attitude of the community, however, it should be said that much of its uncertainty has arisen through the ambiguities of the criminal courts. Almost every case in which the plea of insanity is brought forward presents peculiar difficulties. In the first place there is the widest difference between the medical and the legal definitions of insanity. The legal view has at least the merit of definiteness of presentation. It regards a man as sane so long as he can distinguish right from wrong. But medical insanity has far wider bounds than this. A large percentage of the patients in any asylum have a well preserved ethical sense, as any one can discover readily by asking each one if he thinks it right that he should be confined where he is. Of course the ethical standards of most of these patients are more or less perverted, but on the broad general questions of right and wrong their ideas are clear enough, though they may not act on them.

On several occasions a patient has said to me: "I could kill you if I wished, and I could not be punished, because, being in an asylum, I could introduce the plea of insanity." And he was right, because no jury would convict a man for a crime committed while in an asylum. Yet in a strict interpretation of the law such a person could be held accountable had he executed the implied threat. In the instances where asylum physicians have been killed by patients, it has usually been by those who were

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able to plan the murder carefully, and who probably took into account the immunity from punishment which their asylum residence assured them. They were perfectly aware that what they did was wrong. Hence, according to the legal definition, they were responsible. But I am not aware that any one has ever thought for a moment of prosecuting them. The same is true of a vast number of minor offences daily committed in asylums by patients who well know they are doing wrong. A like immunity is accorded persons not yet committed to asylums, if they are markedly insane. We have seen that it is quite the rule for patients to commit offences of greater or less magnitude before they are considered sufficiently insane for commitment. But when it is learned that these offences grew out of insanity, all thought of prosecution is given up at once; pity supplanting desire for revenge in the minds of the injured ones.

Hence it appears that in the popular verdict insanity is regarded as *prima facie* evidence of irresponsibility. Why, then, it may be asked, do representative juries continue to mete out to insane offenders the same measure of justice dealt to ordinary criminals? Simply because the juries are mystified as to the true mental condition of the accused. They are befogged in a clouded atmosphere of contradictory opinions, and at last decide that the person is not insane, hence that he should be judged by ordinary standards. Of course this decision is sometimes right; but in a far larger number of cases the extenuating plea of insanity, when it is put forward, has a foundation in fact. But it is not to be expected that ordinary court-room methods will correctly establish one condition or the other. Nor can it reasonably be assumed that an ordinary jury is competent to decide, on such evidence as will be presented, first whether the accused is insane, and second whether his insanity is of such a nature as to make him incapable of distinguishing right from wrong. It is absurd to ask them to decide such intricate psychological problems—albeit such is the law. To understand fully the peculiar difficulties of these cases it must be remembered that the insane criminal is usually a paranoiac whose mental equipment is still in many respects acute. It is a difficult thing at any time to judge a fellow mortal correctly as to his light and his motive. Especially difficult then must it be to judge one whose ethical standards have been so peculiarly perverted as have those of the ordinary paranoiac.

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Suppose it is shown that the prisoner knew that what he did was considered wrong by most people, and that it was an infringement of the law, but that he was actuated by an honest conviction that the ordinary ethical standard was wrong and the law infamous. He then, manifestly, considered himself to be doing right,—perhaps as setting the example of rectitude, which he believed would cause him in future generations to be regarded as a martyr in case the present generation should interpret his action by present faulty standards. This is the stuff that paranoiacs as well as prophets are made of.

Evidently, such a situation is a very intricate one. Yet this is precisely the problem with which juries are daily confronted. Witness, as a famous example, the Guiteau trial. What wonder if such a psychological tangle as this gives opportunity for differences of opinion? What wonder if each witness and each juror is biassed by his previous bent of mind, and lets sympathy or prejudice guide him where reason can no longer see its way? It is not an inspiring spectacle to see the insane man march to the gallows; but when is the taking of a human life an inspiring spectacle, even if Justice and Law seem to join hands to tie the fatal knot? But what better can be done? may be asked. It is puerile to find fault without suggesting a remedy. And in this case the best remedy is not easy to find. But I think that by glancing into wider fields of criminality we may at least gain some light. According to modern studies it appears that very few criminals of any class have strictly normal minds. Usually their ethical sense is congenitally deficient. Few habitual criminals have any such vivid appreciation of right and wrong *per se* as better classes of citizens entertain. Many of them take as instinctively to crime as persons of better heredity take to right living. They are the victims of hereditary and environmental tendencies which they did not choose, but which were thrust upon them, and which they are utterly unable to control. They are as much the victims of these perverted tendencies as is the insane man of his perverted sensations. Yet the law takes no cognizance of the plane of their ethics. It asks only: Did this man commit this crime? The jury is not asked to decide whether the alleged criminal had a keen sense of right and wrong. It has merely to decide on the evidence whether he did the thing which the law pronounces to be wrong. So of crimes committed under the influence of liquor. Intox-

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ication is no excuse. Very likely the inebriate was unable to tell right from wrong when he committed the overt act. That matters not: in the view of the law he voluntarily resigned his ethical standard when he took the alcohol into his system. But inebriety may also be a disease. Quite possibly the act by which the inebriate lost or perverted his moral standards was no more voluntary than the acts that led the other unfortunate to insanity. But the jury is not asked to weigh this question. It is only asked to decide whether the man committed the alleged crime.

Manifestly our courts are not consistent in their treatment of different classes of perverted minds. Perhaps the error is on the side of undue harshness towards the congenital criminal and the inebriate, but, even if this be true, the best remedy, it seems to me, is to make the law consistent with itself, and then modify it for the better if possible. A slight modification of custom regarding the trials of cases in which the plea of insanity is advanced would accomplish the first of these results. Nothing more is necessary than to waive the question of the defendant's mental condition during the trial by jury, admitting only evidence as to guilt or innocence of the alleged crime as in ordinary trials. If on this evidence the man is convicted, let the court then appoint a commission to inquire into his sanity. Such a commission, acting with due deliberation after the heat of legal controversy has no further sway, would surely stand a far better chance of deciding justly whether the offender were insane or not than could be done in the mystifying legal atmosphere of the ordinary court room. According to the decision of this commission, the criminal would be sent to the ordinary prison or to the asylum for criminals. In the latter case, the sentence should be made indeterminate. Perhaps it should also be indeterminate in the former case, but this is not to my present purpose. It may seem at first sight a harsh verdict that would submit a manifestly insane person to a trial that must humiliate his friends, if not himself. But, in the proper view, the thing to be regretted is that the man should have committed the crime, not that he should be tried for it. It may be added, however, that even under existing laws the acutely insane are seldom prosecuted for their unstudied crimes. They are sent directly to asylums, where their term of residence is usually conditioned on their recovery, this being, of course, the equivalent of an indeterminate sentence.

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It is well not to evade the fact that with the chronically insane—the ones who usually cause the confusion in the courts—an indeterminate sentence is substantially a life sentence, since defectives of this class seldom recover. This very fact has been urged against the law in States where judges are empowered to make, at their discretion, substantially such a ruling as I have above suggested. But the criticism is unjust. If the object of confinement were mere punishment, then it would be unjust to confine a man for life because he has committed, perhaps, a minor crime. But modern penal institutions do not contemplate punishment or revenge. They aim, as far as may be, to prevent crime. And the paranoiac whose perverted moral standards have led him once to infringe on the rights of others will be almost certain to further infringe these rights if not placed permanently under surroundings that forcibly regulate his conduct. Under the conditions of modern asylum life, the paranoiac probably gets as much happiness out of his existence as he could possibly secure anywhere; and his friends may certainly rest easier under the assurance that he is, perforce, a safe member of the community than under the knowledge, which they must entertain were he at large, that he might at any time bring sorrow and disgrace to their door by the commission of some heinous crime to which disease had driven him. The spirit of altruism is abroad in the world—the exponent of advancing civilization—but true altruism nowhere teaches that the good of the many shall not still be paramount to the interest of the few. The laws of our social organism cannot safely be set aside in the interest of any class, however unfortunate. The insane person, criminal or not, should enjoy all the liberty consistent with a like liberty of his fellow citizens, but it would be a false and disastrous sentiment which, in the name of charity or pity, should seek to give him more than this. True charity tempers justice, but does not thwart it; true pity does not parade in the garb of sentimentality.

HENRY SMITH WILLIAMS.

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HOW TO IMPROVE OUR ROADS.

BY THE HON. ROSWELL P. FLOWER, GOVERNOR OF NEW YORK.

THE movement for good roads has this advantage over most social reforms—that the argument is all on one side. It is not a controversial question, except as to the means of accomplishment. Nobody is opposed to good roads—the only practical question is how to get them. Several plans have been suggested. These may be grouped as follows :

1. National roads—laid out through States and Territories at national expense and under the supervision of a national governmental bureau.

If we are compelled to wait for better highways until this federal plan is carried into effect I fear the present generation will never enjoy their benefits. In the early days of the federal government there was abundant justification for building highways at national expense. Roads and waterways were the only means of communication, and good roads were just as essential to inter-State commerce, postal needs, and the transportation of troops and military supplies, as were navigable waterways. The building and improvement of good roads at federal expense came within the scope of legitimate public improvements. This is no longer true. National highways, except in occasional instances, can no longer serve any purely national purpose. They could not now be built on any comprehensive scale except by a great abuse of the taxing power. The cost would be inconceivable. The task of constructing them would overwhelm the government. It would necessitate the employment of a larger army of men than was engaged in the War of the Rebellion. It would give rise to charges of official corruption, extravagance, favoritism and polit-

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ical intimidation. The people would not stand the assumption of such a heavy and doubtful burden by the federal government. The project is too chimerical and foolish to be possible of realization and we might as well dismiss it from serious consideration. The only legitimate field for federal effort is in stimulating the good-roads movement by the collection and distribution of practical information on the subject for the use of agricultural experiment stations.

2. State roads—laid out through the counties of a State at State expense and under State supervision.

There are several strong reasons to be urged for the adoption of this plan. It is a familiar political truism that the larger the area of taxation the easier it is to get appropriations of money for public improvements. It would probably require less agitation to get a State legislative body committed to a comprehensive system of improved road-making than it would to persuade a hundred small legislative bodies to undertake a similar project for their own small localities. In addition, a State road system would have the merit of commanding the best scientific knowledge and direction in the construction of highways; it would conduce to uniformity in the making of roads, and it would insure a complete network of good roads all over the State. Moreover, in most of the populous States of the East much the greater percentage of cost would fall, not on the agricultural communities—already overburdened with taxation—but upon the people of the cities, among whom at present the sentiment in favor of good roads seems to be strongest, strange as the fact may be.

There are objections to the plan of State roads, however, which seem to me to outweigh the considerations in its favor. While from the standpoint of public policy the building of State roads at State expense is perfectly justifiable, so great a task should not be heaped upon the government unnecessarily. It is a dangerous tendency into which we are drifting—to load down our federal and State governments with a multiplicity of tasks which the smaller political divisions of the people themselves are abundantly able to bear for themselves. That tendency is towards State socialism. The more simple we keep our governments, the fewer offices we create; the greater economy we practise, the greater will be our happiness and comfort as a community. For any except the smallest States to undertake the establishment of a department

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of highways and the comprehensive construction of State roads would necessitate the employment of a very large army of State officials and laborers, and, therefore, the creation of a powerful political machine—sufficiently numerous in its membership, perhaps, to control elections. However honest the impulse behind it and however economically such a policy might be carried out, it would always be criticised as a political scheme, designed to serve the purpose of the party in power, and it would fail, even in spite of beneficial results, to appeal to public confidence or receive a large measure of popular support. Moreover, as a political menace its duration would not be limited to the time required for the construction of State highways, but construction at State expense means maintenance and repairs at State expense, and these involve indefinitely continuing appropriations of public money and the continuous appointment of thousands of road-keepers, engineers, overseers and day-laborers. I do not believe the people of any large State would be wise in saddling their government with so great a burden, or in giving their administrative officers so much political power. A misuse of such power would entail more serious evils than a lack of good roads.

3. Town roads—laid out through each town, at town expense, and under the supervision of town authorities.

This plan assumes the abolition of the antiquated and useless "working" system, so prevalent throughout many States, the payment of all road taxes in money and not in day's labor, the construction and care of roads under the supervision of a town highway commission and a town engineer, and the authority in the town to bond itself for road improvement upon the affirmative vote of a majority of the taxpayers. The merit of the township road system is its embodiment of the principle of local option and home rule in the extreme application. That is probably also its chief defect. In every county there is at least one principal village or city where the business of the people of the county is transacted, and which is the centre from which lines of communication radiate to the surrounding towns. With such conditions prevailing it is of little profit to one township to expend much money on its own highways, if the neighboring township refuses to improve its highways. The load the farmer can carry to market is determined by the worst point in the entire road he must traverse. The people

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of each town would naturally say: "If other towns will not make good roads for us they do not deserve that we should make good roads for them, and there is but little advantage in our making short strips of good roads for ourselves." Thus the character of each leading market road throughout its entire length is kept down to that of the worst part in any of the towns through which it passes. Such a system depends for its success upon the concerted action of two or more towns, which is not easily obtained. Moreover, to re-phrase the expression of the political truism quoted above, the smaller the area of taxation the more economical will be the taxpayers—and this fact in most cases would prevent the township plan from ever affording satisfactory results. As a finality this plan would probably not be a success, but it could be profitably and wisely joined with the county system, which I am about to discuss.

4. County roads—laid out in each county, connecting the various towns in the county, built at county expense, at the option of and under the direction of the board of supervisors.

In my judgment the county road system offers the wisest and most feasible plan yet suggested for securing good highways. It avoids the dangers of the State system and the probable failures of the town system. It respects local feeling as regards the amount of money to be expended and the location of the roads. It comprehends a territory with common interests, of moderate geographical limits, and so homogeneous in its aggregation of towns that a network of market roads could be readily mapped out and provision made for their construction without conflict of jurisdiction or of purpose, and without exciting jealousies by the exhibition of favoritism. It offers a speedy means of securing good roads, provided there is any substantial public sentiment in their favor, and would give the county taking advantage of it more good roads than would be built in the same territory under the State road system.

Legislation enacted last spring in New York State illustrates more clearly the features of the county road system. The law is simple and optional. It provides that the board of supervisors of any county may, by a majority vote, formally adopt the county road system, and shall then designate as county roads such highways as they may deem best for the purpose outside the limits of incorporated villages and cities. The intention of the

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law is that, as far as possible, these designated county roads shall be the leading market roads of the county. Thereafter the expense of rebuilding or maintaining these county roads is to be a county charge, and the necessary amount of money for this purpose is to be appropriated each year by the board of supervisors. It may be little or much, according to their judgment or the wishes of their constituents. All the repairs or improvements thus authorized are to be executed under the supervision of a competent county engineer, whose appointment by the board is provided for, the purpose of the appointment being to secure intelligent road building under the direction of a scientific expert. The engineer and the board of supervisors are to have sole jurisdiction over these county highways, and the town highway commissioners are to have their own powers restricted to this extent.

Obviously, if public sentiment in any county favors improved highways that sentiment should express itself through the board of supervisors. Here is local option to perfection. But it was felt that the policy of appropriating money each year, with consequent uncertainties of action or lack of assurance of continuance, was a kind of hand-to-mouth arrangement which might not give much satisfaction and might not result in any permanent system of highway improvement. So it was provided in the law that any board of supervisors might borrow money and issue the bonds of the county therefor, in order to provide the necessary funds for building highways in a comprehensive and systematic way. Such bonds are not to run for more than twenty years and are not to bear interest at a higher rate than five per cent.

The effect of such permission is to enable any county at once to undertake a comprehensive scheme of road improvement, and to distribute the expense thereof equitably through a series of years. The cost would not fall on present taxpayers alone but on the taxpayers through the succeeding generation, who would be the chief beneficiaries. Probably the increased valuation given by highway improvement to the property would in much less time pay for the improvement.

It was realized, however, that one of the conditions for carrying out any such policy is a longer term of office for supervisors. These officers had formerly been elected for one year—much too short a time to give even a fair start to a good-roads movement.

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So the effort was made to extend this term to three years. This encountered so great opposition in the Legislature that a compromise of two years was agreed upon and that is now the statutory term of office for supervisors. It is believed that this will conduce to more earnest effort in the direction of highway improvement on the part of county legislatures and permit a fair test of improved roads before the reform inaugurated is rejected by a fickle constituency.

In my intercourse with the farmers of the State during the past summer I found many of them averse to taking advantage of this legislation because of the dread of any additional taxation. When I chanced to refer in my speeches to the experiment which is being made in the neighborhood of Clinton Prison, in the northern part of the State, of putting convicts at work in road-building, I found my agricultural friends pricking up their ears; and when I suggested that if the experiment there was successful, convicts might be employed in the same work elsewhere, outside of incorporated villages and cities, I was greeted with applause—which convinced me that the agricultural communities would quickly welcome good roads if somebody else would pay for them.

Persistent agitation is necessary to persuade the farmer that the cost of good roads is speedily paid for by their benefits, and it is with the desire of assisting this agitation that I have cheerfully complied with the request of the Editor of THE NORTH AMERICAN REVIEW for this article. Every farmer knows that bad roads sometimes keep him from town when prices of grain are high, and thereby cost him a good profit. Every farmer knows how much time he loses by traveling over bad roads, every farmer knows how much larger a load his team would pull if the roads were hard and smooth. Every farmer knows what a considerable item in his annual expenses is the repair of wagons and harness, whose strength and safety have been crippled by bad roads. Every farmer knows how much more it costs to keep three or four horses instead of one or two, as he might with equal service with a system of good roads. Every farmer knows that his farm would increase in value if by good highways it could be brought into ready communication with village or city. All these things our farmers know when they think of them, and they know that the sum of these pecuniary advantages in favor of good roads

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would vastly outweigh the cost of procuring them. But in spite of these advantages good roads are slow in coming, and we cling to our old-fashioned habit of once or twice a year plowing up the sides of a highway into the middle and calling that road improvement. The mathematics of road improvement need to be pressed home many times and in many ways before they produce the conviction which leads to action.

Except where the legislation enacted last spring, to which I have alluded, has been taken advantage of, New York roads are still maintained under the old-fashioned "working" system, as are the roads in many other States of the Union. It is needless to point out the objections to that system the abominable results make these easily discernible. But I have tried to convince the farmers of New York that even from the pecuniary standpoint this antiquated system ought to be abandoned in the interest of economy. I showed in my annual message to the Legislature last January that the counties of New York State now expend in actual money and day's labor, valued at about one dollar a day for each man, about $3,000,000 a year upon their roads, exclusive of the time and money spent on road and street improvement in villages and cities. This is an average of $50,000 for each county. That amount of money scientifically expended each year would build over seven miles of good macadam road at a cost of $7,000 per mile. Or if the county preferred to build roads faster this annual expenditure would pay the interest and provide a small amount for the sinking fund on an issue of bonds sufficient to construct over one hundred and forty miles of macadam roads. I venture to say there is not a county in New York which if it would bond itself for a million dollars and invest the money in the scientific construction of highways would not in five years have increased the valuation of its real estate many times the amount of the investment. But that would be only a small part of the gain. The greater part would be in the saving of wagon transportation, a saving in vehicles, a saving in horses, a saving in time, a saving in labor, a saving in risks, a saving in markets.

Under the recent New York law, moreover, the rural districts would have an additional advantage in the matter of expense, for, under the "working" system, they bear the entire taxation and perform all the labor, while, under the new county road system, the greater part of the cost would be borne by the cities and

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incorporated villages, inasmuch as the taxpaying property of greatest value is situated in these places.

But, if public sentiment is averse to bonding, an annual tax, at the present valuation in the State of New York, of one-half of one per cent. (five miles) on each dollar, would enable five counties, outside of New York and Kings, to build each year fifty miles and more of macadam road. It would enable ten counties to build twenty-five miles and more, forty-one counties to build ten miles and more, and fifty-five counties to build five miles and more. By levying a tax of one mill, five counties could build over ten miles of macadam road a year, and ten counties could build over five miles of road a year. These figures bring the attainment of good roads within comparatively easy reach.

I regard the movement for good roads as one of the most important of social reforms. It has in it great material benefit to the people generally and to the agricultural interests of the country particularly. In the East especially we have reached a stage of development where a network of smooth highways is essential to our prosperity and growth. Our cities and villages must be brought into closer contact with the farms. In many sections the limit of communication by railway and canal has been reached, and dependence must be now upon good roads. To the residents of the farms, to the merchants in the towns, to the canals, to the railroads, to the large army of employees, to the consumers in the cities, in short to all interests and citizens, the close communication of farm and city is most desirable for business and commercial reasons alone. Good substantial roads leading out to the rural towns from the principal business community in each county cannot help stimulating business in that community and developing the country round about it. But beyond all this they are as advantageous in elevating the social and intellectual life of the rural population as they are in improving its material condition.

Fortunately the good-roads movement is a popular one. It appeals to common sense and to sentiment. It excites enthusiasm. It enlists all classes of people and extends to all parts of the country. It has already produced a considerable literature. It has secured recognition in national legislation, has brought about the establishment of several State highway commissions, has remodeled the highway laws of many States and has given stimu-

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lus to practical efforts in many localities and road districts. Agitation is only necessary to bring about the complete success of so good a cause. Old methods must be combated and abandoned. I saw at a State insane asylum recently a road built by lunatics which would put to shame many a highway commissioner, because the lunatics had intelligent direction and the highway commissioners have none. The circulation of literature on road construction, the agitation of the subject by the newspaper press, the efforts of highway leagues and wheelmen, all tend gradually to dissipate existing ignorance and prejudices. A complete revolution cannot be expected in a short time, but the success which has already been attained by the advocates of good roads should certainly encourage them to persevere in their praiseworthy work.

ROSWELL P. FLOWER.

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NOTES AND COMMENTS.

EGGS, ET CETERA, IN CONGRESS.

ALTHOUGH the gravity of the financial situation has largely concentrated attention upon the action of Congress in regard to silver, there are many who believe that silver has been made the scapegoat for numerous other sins, against sound economic principles, and that something more than the repeal of the Sherman bill is needed to restore conditions necessary to safety and prosperity.

The question of the price of eggs, strange as it may seem, is a point at issue, and upon the treatment of that question, quite as much may depend, as to the future of the condition of the workingman, as upon the solution of the silver problem. Indeed, so far as the workingman is concerned, the price of eggs touches him much more than does the price of silver, and if the Democratic party expect to retain possession of power, or the Republicans hope to regain it, they must give as much attention to the wants of the workingman as they do to the monometallists on the one hand, or the silver advocates on the other.

For, in the question of the price of eggs, is involved the question of the price of potatoes, pork, beer, and, indeed, the price of numerous articles that sustain life. If members of Congress imagine they can give exclusive attention to silver and gold, and even to the reform of the tariff as it affects European importations, and not give prompt and effective attention to the question of cheapened food supplies, they will count without their host.

Possibly an attempt will be made to attribute the high price of eggs to the low price of silver, and the hallucination may be indulged in that by repealing the Sherman bill the price of eggs will decline. But this kind of argument will not satisfy the workingman, especially if eggs do not get lower in price, which they are not likely to do. Hence, if Congressmen ever expect again to appeal to their constituents for approval, they must do something, and that quickly, in relation to eggs and all other articles of food now certainly so high in price.

It may be asked, What has Congress to do in regulating the price of eggs, bacon, beer, potatoes or lard? It is true, the high price of these, as well as other articles of food, may be traced to the difference between supply and demand, owing to the rapid growth of cities, on the one hand, and relatively slow growth in the country on the other. The census tells us that the number of consumers in cities has increased in the past ten years at the ratio of sixty per cent., while in the same period producers upon farms have increased at the rate of only fifteen per cent. A disparity so great in a period so short as ten years between the farm production on the one hand, and the extent of

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consumption on the other, is sufficient to account for the relative dearness of food. As it is from the farmer and the fisherman alone that food is derived, it is easily seen that if these increase only at the rate of fifteen per cent, while those who live upon what they produce increase with a rapidity four times as great, the price of food must of necessity be increased through that circumstance alone.

But in the face of this great relative disparity in the growth of consumption, as compared with the growth of production, Congress intervened, and by legislation intensified the situation greatly by practically prohibiting the importation of food products from the outside world. In this, the question of eggs plays a most important part, because before this Congressional intervention eggs were admitted free of duty. By the action of the latest tariff they are taxed five cents a dozen and their importation practically prohibited. Almost every other article of food imported bore a slight duty, but this little oval sphere of nutriment, known as the hen's egg, had escaped the eagle eye of the statesman and had come into the country as free as the air. The result was a growth in the supply of a remarkable character, certainly highly beneficial and nutritious to the American people at large, but especially helpful to the neighboring nation, and mainly to the farmers' wives of Canada. The freedom of which the American eagle boasts, having been permitted to the fruit of the hen, had a more stimulating effect upon the more modest, industrious bird resident in the northern latitudes of the Dominion and caused her to contribute to the necessities of this country to an extent of nearly two hundred millions of eggs a year.

So long as two hundred millions of eggs were yearly sent into this country, over a border line extending from the Atlantic to the Pacific, the price of eggs was reasonable. But, so soon as the McKinley act became operative, and five cents a dozen was exacted as the penalty of importation, the price, naturally, advanced. The Canadian hen, fearing practical prohibition from the market hitherto available, went largely out of business, and even for the eggs that were produced the free market of Great Britain was sought.

It is true, the American farmer was expected to be benefited by the prohibition of the Canadian egg, as of all other agricultural products, and that in return for heavy taxation for the benefit of the manufacturer, extending over a period of twenty years, he would at length have some advantage himself in the shape of protection against a foreign competitor. But, where one farmer has been helped, in relation to eggs and other products, ten consumers have been hurt by the increase in price, and the total result is, an increase in the cost of living all along the line.

Next to eggs, naturally comes the question of bacon, as bacon and eggs are inextricably allied in the public mind. Yet, never in the history of the country has bacon been so dear. Eggs to the consumer at fifty cents a dozen, and bacon on the breakfast table at $2.50 for a piece formerly dear at a dollar, have been an object lesson, taught in every household in the land, as to the folly of legislative interference in the articles of food. To charge $1.50 for the admission of a pig over the Canadian border into the freedom of American soil was a folly quite as great as to charge five cents a dozen duty on eggs. The result has been that both bacon and eggs have been dearer in consequence than ever before. Equally has this folly been shown in the matter of beer. Beer, the drink of the workingman, is made mainly from barley, and the necessities of the maltsters and brewers in the

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matter of barley was extreme. The only region on the continent in which barley can be advantageously grown was that included in the Dominion of Canada, and all legislation in the world would not alter that fact. So long as a duty of ten cents a bushel was exacted on the importation of this necessary ingredient of beer it was cheerfully borne, and the size of the glass of beer afforded the workingman was satisfactory. But, with a folly that seems inexcusable, an exaction of thirty cents a bushel was enforced on barley by the McKinley Bill—a charge almost equal to the cost of production. The result has been a decline in the importation of barley of nearly two-thirds, and an increase in the price of beer that finds itself felt by tens of thousands of workingmen in the diminished size of the glass afforded for five cents, and in equal diminution in the nutriment of the common people.

Potatoes, formerly at ten cents a bushel, bear now a duty of twenty-five cents; apples, an equal duty; while oats and hay, seven acres of which are required for every horse in the land, bear a duty respectively of twenty-five cents a bushel, and four dollars per ton. Sheep and lambs are taxed one dollar and a half, with cheese at a prohibitory exaction, and throughout the entire list of articles essential to comfort and sustenance, an impost practically prohibitory was enforced on all supplies derivable from one-half the continent.

Aside from agricultural articles thus enumerated, the products of the sea were also taxed, and a duty of two and a half cents a pound for fish has been exacted from a country possessing the greatest fisheries in the world, providentially provided for a people having greater need for their product than exists elsewhere. So with the products of the forest, a duty of two dollars on every wagon-load of lumber has been charged, from a country in which the largest supply is furnished, to a country needing it, to a greater extent than any other land. For it should be borne in mind that the standing timber to day, in the United States, a new country largely treeless, is less, per capita, than in an old country like Germany. Houses for the workingman, raw material for endless manufactures, and for furniture for all classes, is thus made to bear an impost as unnecessary as it is unwise. So, too, with the products of the mines, as shown in the article of coal, against the high price of which there has been a loud and universal outcry. The exaction of a duty of seventy five cents a ton has kept enormous supplies of Canadian coal out of the New England States, and equally deprived the Pacific coast, for it is in Canada alone that coal exists on the shores of both oceans.

Thus in numerous departments of commercial activity, as well as in articles of food, from little trifles, as small as eggs up to animals as large as horses, practical prohibition has been enforced. Where it has been overcome it has been only at the expense of the consumer in the United States, in the shape of high prices; and naturally enough the consumer looks to Congress for reduction and relief. Under such circumstances it would seem the simple duty of Congress to immediately repeal the agricultural sections of the McKinley tariff, as the first step in the tariff reform which they were elected to carry out. On the plea of affecting vested interests created by the protective policy, no argument can be urged against immediately freeing from excessive duties all food products and all raw materials. Industries of all kinds, even those most highly protected, would be stimulated by such action, while to the people at large, of all sorts and conditions, in all localities, such a policy would be beneficial.

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There is an argument, however, which might, with much force, be urged against this action, and that is, that there should be a free exchange of articles arranged for before the United States opened her vast markets for raw material and food products. It would seem but just that if free trade in eggs was permitted by the United States, equally some article of manufacture should be admitted free by Canada, which supplies the eggs. It would be manifestly bad policy to concede to Canada free entry of her natural products without demanding from her an equal concession as to goods manufactured from them. The creation of new and enlarged markets for manufacturers would thus be then equal with the increased ability to supply them in competition with the rest of the world. Hence, the truest test of a successful commercial policy would be afforded if an agreement of this character could be consummated. This could be accomplished by so amending the tariff that the free admission of natural products will be allowed from countries only, which admit an equivalent of manufactures on equally favorable terms. The detail could be adjusted by a commission, created in the tariff bill for the purpose, and a list of articles manufactured for free exchange could be placed side by side with a list of natural products and raw material.

Fortunately, in the case of Canada, where this arrangement would most largely apply, such a plan is likely soon to be possible. By the recent action of a great convention of the Liberal party, tariff reform and reciprocity with the United States were adopted, the purpose of the action being a commercial alliance such as is proposed. An impending appeal to the people of Canada, in a parliamentary election, within eighteen months or two years, will give an opportunity to test the question whether or not the Canadian people will place the control of the government or not in the hands of a party who have for their chief claim to confidence a tariff reform as complete as that which is likely in the United States to prevail, and a reciprocity of exchange quite as far-reaching as the United States is likely to demand. That this party will be successful there is hardly any doubt, especially should Congress move in the direction of free admission of food products and raw material on terms of equally free admission into Canada of manufactures from the United States.

The only possible objection in the United States to the free admission from the Dominion of eggs, as representing all other articles of food, is that it may postpone the political absorption of Canada. Strange as it may be, a trifle so slight as the tariff affecting eggs might stand in the way of a settlement of the question upon which the American public are profoundly interested, for there is a large and growing party in this country that think that Canada is essential to the completeness of the Union. Being deceived by imperfect information, and failing to apprehend the real sentiment of the Canadian people, they argue for the continued isolation of the Dominion as the best means to achieve a political union. There is hardly space in these pages now to discuss this question, for, as Charles Lamb said about predestination, "there is a great deal to be said on both sides of that question."

The present pressure is for cheapened food supplies, for larger trade relations with the rest of the world, and for the settlement of the numerous questions that disturb the repose of the two nations that together occupy this continent. These can all be adjusted at once, and on a satisfactory basis, by a liberal tariff treatment, while if they are to be postponed until a

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political union is accomplished, the generation that at present shapes affairs will have no concern in the matter.

The question now is, What will be the the price of eggs next year? not How soon will Canada come in?

ERASTUS WIMAN.

THE WELSH IN POLITICS.

THE Welsh population of the United States (including the first descendants) exceeds 1,223,000. They are, politically, almost wholly Republican, it being a fact that over ninety per cent. of them support and vote with that party. Ex-Postmaster-General Thomas L. James, himself a Republican, struck a forcible truth when he said: "The Welsh have been, for years, the hewers of wood and the carriers of water for the Republican party, without even receiving thanks for their pains. It would be a great deal better if there were among them more Democrats."

Why is it that the Welsh have almost unreservedly allied themselves with the Republican party? Is there an explanation for their tenacious adherence to this party? The Welsh are Republicans through various reasons, though in most cases they are peculiar and erroneous ones. To understand thoroughly this nationality's affiliation with Republican principles, their politics in Wales must be also understood.

In England and Wales the Welsh, as a class, are Liberals, and as they are steadfast in the Republican faith of this country so do they in their native home uphold the doctrines of the Liberal party. A Welsh Conservative—"Tory"—is as uncommon in Wales as a Welsh Democrat in the United States. In brief, the Liberal party advocates Home Rule, the Disestablishment of the English Church, the Discontinuation of Tithe payments, and Low Tariff Duties; in fact, the principles of that party are analogous to those of our Democracy. Considering this fact, it seems remarkable that the Welsh should, in this country, advocate principles that are entirely at variance with those they so vigorously supported in Wales.

One of the first political errors they fall into upon their arrival in the United States is that of associating the Republican principles with those of the Liberal party. This may be explained by the fact that the Welshman on his arrival here procures a ticket for some Welsh settlement. During elections he becomes interested in politics. One of the first questions he asks on the subject is: "Which represents the Liberal party of the old country?" He is informed that it is the Republican party, for his informants have made the same mistake that he is now about to fall into.

They tell him that the Republican party is the party of Liberty; that the Republicans preserved the Union during the Rebellion, and freed over 3,000,000 slaves. This has a wonderful effect on the mind of the average Welsh immigrant. He is by nature—as are all the Welsh—opposed to anything that is oppressive. He recalls the struggles of his motherland, the trials and hardships his forefathers suffered in fighting for their country's independence, and, if he knows it, that which is opposed to Liberty will not receive his support and vote.

After being thus informed concerning the alleged history and achievements of the Republican party, he declares himself to be a Republican without the least investigation on his part as to these facts: That there were thousands of Democrats in the Union army during the Rebellion; that the

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founders of Republicanism—Sumner, Chase, and Greeley—abandoned that party before they died; that the principles of the Republicans in 1860 and those of to-day are vastly different. It is sufficient for him to know that the Republicans were in power when the slaves were freed. It is this which makes him believe that the Republicans and the Liberals advocate the same fundamental doctrines.

In manufacturing districts the Welshman has been kept in the ranks of the Republican party by the false issue, viz., that party's position on the tariff. Questions like the following are asked of him: "Did you receive as high wages in Wales as you are getting here?" He admits that he is now receiving more wages. The political boomer, who is catering for his vote, declares that all this is due to protection. During the late Presidential campaign those vote-gatherers stated that the "McKinley Bill" had closed workshops in England and the tin industry of Wales, producing hard times in those countries.

The Welshman falls into the trap thus set through neglect of individual investigation. He does not consider that twice the work is required of him in this country; that the purchasing power of his dollar is much less in America than in either England or Wales. He does not seem to realize the fact that hard times for England and Wales would mean hard times for the United States. The prosperity of all the world is our prosperity.

Another great factor in making Republicans of the Welsh is the fact that they are not cosmopolitan either in politics or religion. Many of the Welsh believe, and firmly too, that when Democrats secure control of any branch of our government it is a victory for the Catholic Church. Though born in bigotry as this belief is, and too absurd to receive serious consideration from intelligent men, it has, however, procured votes for the Republican party.

That the erroneous and narrow political opinions held by Welsh Americans have never been corrected is due to the fact that the leaders of the Democratic party have never made any systematic effort to give this class of voters the political instruction they so badly need. When the Welsh character is taken into account, and his political training at home considered, their position in American politics is truly phenomenal. No one who knows the Welshman, as he is in Wales, would expect him to ally himself with any but the Democratic party. The last Presidential campaign showed, however, that this national tendency, so long repressed by ignorance of American politics, is beginning to assert itself. In that struggle the light was shed upon the minds of the Welsh people, as it never had been before. The change that it wrought was seen in the unwonted spectacle of hundreds of Welsh voters casting their ballots for the Democratic candidate. This change was brought about by the action of the Democratic National Committee in making, for the first time, an effort to win the Welsh vote.

The importance of the Welsh vote may be estimated from the following fact: That the given percentage of the now Welsh Republican vote of the following States would place them permanently in the Democratic column: Pennsylvania, 39½ per cent.; Ohio, 15 per cent.; Wisconsin, 9 per cent., and New York, 11 per cent.

Surely, a nationality polling such an important vote should demand the attention of the Democratic leaders of the various States where the Welsh have settled.

JOHN E. OWENS.

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A TEMPTING THEORY IN PRACTICE.

THIS generation is fond of object-lessons. If a theory is actually in practice anywhere it would seem wiser to go and inspect its operation and see how it works than to sit down and philosophize about it or to give a series of lectures to prove or disprove it *a priori*. Here is the plan of Henry George, for instance, which he promises will remove poverty, abolish misery, equalize wealth and confer various other boons upon humanity—why not study it where it is being practised? Perhaps it is not generally known that we have a working model in the United States to-day—an abundance of fertile soil, held in common by a sparse population, every head of a family owning ten times as much as any one man can adequately till. I allude to the condition and environments of the Five Civilized Tribes in Indian Territory. These men are not savages. They are civilized and many of them are enlightened. They wear such clothes as we do, eat such food as we do and share in such progress and aspirations. In the Report of the U. S. Commissioner of Indian Affairs to Congress it is said:

> "These people have, in a great measure, passed from a state of barbarism and savagery. Many of them are educated. They have fine schools and churches. They are engaged in lucrative business of various kinds. In fact, so far as outward appearances go, there would seem to be very little difference between their civilization and that of the States."

Here we have the requisite conditions for a successful experiment—and the experiment is now forty or fifty years old. Here we have a population living by industry expended in agricultural pursuits. They do not live by hunting or fishing or by plunder. They live by raising corn, cattle, horses, hogs, hay, vegetables; in fact they live much as we ourselves live—60,000 or 70,000 people—and they possess 20,000,000 acres of land, an average of 1,500 acres to every head of a family. The general fertility of the land is indicated by the desperate fight made by the headlong frontiersmen under Payne. Where could there be more ideal conditions for trying Mr. George's socialistic experiment?

Well, it has been in practice here for more than a generation—almost half a century. How has it resulted? It is acknowledged without dissent that all members have an equal right to the land, as they have to the air they breathe. Does an equalization of wealth ensue? Has the golden age returned to earth in that sacred little *imperium in imperio* where, protected by its treaties and by the army of the United States, the Five Nations have worked out their own salvation on their own lines?

On the contrary, we are officially informed by the same Commissioner of Indian Affairs that the most energetic and enterprising Indians have fenced in the richest and choicest lands in immense quantities, and that the great majority of Indians are content to work for them by the month as farm hands, making no effort whatever to till or even to occupy any portion of the land which is admittedly their own. A considerable number of farms have been thus seized and held, each ranging from 500 to 5,000 acres in extent, and the red aristocrat who occupies the baronial mansion seems to have no difficulty in hiring for $16 a month as many of his partners as he may require. On these great estates the crops are raised and harvested for him by Indians of the same tribe, perhaps of the same family, and the wage-earners do not seem to get any great amount of luxurious comfort or even of satisfaction from the reflection that they own as much of the land

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as anybody. In fact, the Commissioner alleges that these poor laborers, working at precarious wages on their own land, which is held in "the grasping hand of moneyed monopolists and powerful and influential leaders and politicians," are growing "annually and daily poorer and less able to assert their equal ownership and tribal claim—their constitutional privilege and treaty rights."

It seems, curiously enough, that ingenuity and ability get to the front in the Indian Territory just the same as they do in Ohio or Georgia. One wealthy Creek, residing in a costly home, with spacious barns, stables, etc., his ranch skillfully managed, with modern methods and implements, raised, in addition to hay, 25 000 bushels of corn in one season, and fattened 200 head of beef cattle and 300 hogs for market, his joint owners, who plowed the corn and fed the hogs, meanwhile living in huts and cabins, without so much as a month's provisions for themselves or their families.

"Now this condition of semi-slavery," adds the Commissioner of Indian Affairs, "exists in each of the Five Civilized Nations, and grows directly out of the holding of lands in common." This conclusion is calculated to surprise all champions of the single-tax theory and make the injudicious grieve; but the Commissioner goes on to declare that "this is the fundamental error from which proceed the troubles which afflict the Five Nations. The practical operation of this system of holding creates an aristocracy out of a few powerful and wealthy leaders, while the poor, although equal owners, are so impoverished as not to be able to assert their equal right of property and manhood."

Such estimate as is possible indicates that although every adult man is the possessor of from 500 to 1,000 acres of arable land wherever he may choose to select it yet, in fact, four out of five of these same men prefer to work by the month for little more than their board and clothes.

Is this the custom of the great millenial scheme? If so, it would follow that avarice is more or less beneficent after all, and that, as a lecturer on economics has observed, "where everybody owns everything nobody ever owns anything." It remains probable that as long as brain power shall dominate, energy and self-denial acquire, and ambition and rapacity attain their ends, Socialism will remain a dream which, as Senator Palmer said recently, humanity cannot afford to forego, but which will never be realized.

BESSIE B. CROFFUT.

THE DECLINE OF ECCLESIASTICISM.

THE Christian Church is in the midst of a great conflict. Never since the organization of Christianity have so many forces been arrayed against her. What certain theologians are pleased to term "the world power" was never stronger than it is to-day. No longer is the church opposed by barbaric races, by superstitious philosophers, by priests of mythical religions, but by the highest culture, the deepest learning, and the profoundest wisdom of enlightened nations. All along the line of her progress she is resisted by the "world power," which represents the highest attainments and the best ideals of the human mind.

Nor are all her opponents found beyond the pale. Within her solemn shades, robed in her vestments, voicing her commands, representing her to

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the world, stand many who are ready to cast off her authority and dispute her supremacy. Multitudes who yet obey her decrees are beginning to question; and doubt is the first step towards disobedience and desertion.

The world will never know how many honest souls within the church groan in spirit and are troubled, yet keep a seal upon their lips and a chain upon their tongues "for conscience sake," lest they "cause their brother to offend." They are silent not for fear of rebuke, for the time has gone by when to speak freely was to suffer persecution, and when to suggest that the church might not be infallible was to be accused of infidelity.

To-day men do not grope their way by the aid of a rushlight. The noonday sun now shines, and only the blind fail to perceive the dangers that lie in the way. On every hand within the church men freely admit that there are reasons for the great retrograde movement of the nineteenth century, which has borne, not only the so-called masses away from the church, but the "select few" as well. And here and there a bold voice is heard calling attention to the perils in her path. For a time these voices were silenced by a loud clamor of tongues, but they have at last commanded attention. And the watchmen who stand on the walls of Zion are neither few nor fearful. Courageous men, prophets of a new age, proclaim, with no uncertain sound, the demand, not of a new gospel, but of an old gospel with a new meaning.

Everywhere the demand is made for a more literal and faithful proclamation of the precepts of the founder of Christianity. "The Sermon on the Mount" is to many the epitome of divine philosophy. "Preach it! preach it!" cry reformers of every school everywhere; "not only preach it, but exemplify it." "Show us," they say, "that your practices conform to these precepts and we will believe you! Follow Christ, and we will follow you!"

But just here lies the controversy. The church professes to teach the precepts of Christ, to preach his gospel. The world listens and replies: "You have perverted the truth!" And behold the spectacle of an unbelieving world teaching a believing church, the true principles of her religion! This is one of the most striking and significant signs of the age. And it is altogether new. The world has been familiar from the beginning with the retort: "Physician, heal thyself." But only in modern times have men ventured to say: "Physician, let us prescribe the medicine!"

Early in the Christian era, when to avow belief in Christianity was to imperil life, when persecution drove men to despair, he who found no place of rest on earth was taught to hope for repose in heaven. From the fiery furnaces of affliction men lifted up their hearts in hope of reward for all their pain. For every tear a jewel in their crown, for every sigh a song, for every hour of torture an age of bliss. And so at last the whole church looks upwards with weeping eyes and prays for release from earthly tribulation. Martyrdom becomes a sacrifice, and the departed spirit ascends, crowned and glorified, into heavenly places. But when the church at last emerged triumphant from the fiery baptism and became the supreme power on earth, when her devotees, in their woes, turned to her for relief, she said to them as at first: "Murmur not, my children. Endure the cross with patience, and you shall have reward in heaven." This has been her only answer to the cry of need through all the ages. To every appeal for consolation and help, she replies: "Wait:—trust:—be patient:—hope."

But human patience is not infinite, and there is a limit to the strongest faith. This answer might have been sufficient if the church had obeyed her own precepts. But when the poor and needy, the oppressed and sorrowing,

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who were taught to look to Heaven for future recompense, saw holy priests and favored princes robed in purple and fine linen and faring sumptuously every day; saw them laying up treasures on earth in defiance of moth and rust and thieves; saw them, with easy consciences, serving God and mammon, they began to doubt the sincerity of the prophets.

And presently they began to affirm that all truth does not dwell under a church spire; that the church is powerless; that she cannot prevent misfortune, cannot heal the sick, cannot feed the hungry and clothe the naked, cannot raise the dead, cannot save the soul. Then they began to say that a church so weak, so worldly, could not be a divine institution. And soon they began to desert her altars. They said: "To deny the infallibility of the church, the efficacy of her ordinances, or the truth of her creeds, is not to deny the efficacy of religion. We are not at war with Christianity, but with the church's exposition of Christianity. Reverence for divine truth is compatible with the most profound contempt for ecclesiasticism. For that sublime Person who trod the earth, whose touch was life and whose smile was salvation, we have only veneration and love, but no longer for the institution that claims to represent Him.

The church denounces her accusers as unbelievers, and goes on her way, amassing treasure, building temples and palaces, making compacts with kings and covenants with mighty men, while the forces arrayed against her are increasing in numbers and power. She has lost her supremacy, her authority has passed away. She is but a sign, a shadow. And it is impossible for her to regain her lost ascendancy, or to return to her throne. Dreams of her universal dominion are delusion. Her sceptre has been broken forever. Already we are in a transition period. The revolutionary movement of the age is universal and irresistible. Thrones are beginning to totter. A volcano smoulders beneath the palaces of kings, and when thrones topple over pulpits will fall.

What then? A reign of anarchy and atheism? Some would-be seers predict it. But there are better things in store for the world. There have been revivals of religion in the past, more or less local and temporary. There is yet to be a revival of religion which is to be world-wide—a restoration of faith in God and love for man—when the brightest dreams of universal brotherhood shall be realized. But it will come in spite of, rather than through, the church. It will come as a reaction against ecclesiastical tyranny; as a protest against mere forms and ceremonials. It will, however, reach the church, change her creeds, modify her methods, and transform her spirit. All true souls within her communion will hail with gladness their emancipation from the tyranny of ecclesiasticism.

That revival is already on its way. A thousand signs herald its coming. Not the least significant are the earnest controversies within the church as to the essentials of faith. The moulds of doctrine are being broken. Large liberty of thought and expression is demanded. Partition walls are being broken down. Everywhere the cry is heard: "Break the chains of tradition and custom!" What form the faith of the future will assume who shall prophesy? There will be faith on earth while time endures. For man is essentially a religious being. Belief in God is a necessity of his nature. But he must be free to express his faith in forms suited to the age in which he lives.

JOHN EGERTON RAYMOND.

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